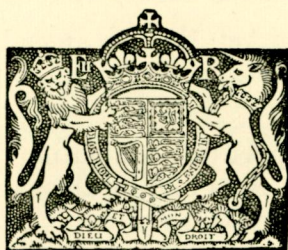


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

I. P. K. VIDLER,  
*for Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 11 September, 1956.*

## New South Wales



ANNO QUINTO

**ELIZABETHÆ II REGINÆ**

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**Act No. , 1956.**

An Act to amend the Motor Traffic Acts, 1909-1956, in connection with the removal and towing away of certain motor vehicles; to amend the State Transport (Co-ordination) Act, 1931-1954, to make provision for the licensing of certain public motor vehicles; to amend the Motor Vehicles Taxation Management Act, 1949-1951, to ensure the preservation of the Act in certain events; to amend the Transport (Division of Functions) Act, 1932-1952, to make further provision in relation to limitation of actions; to validate certain matters; and for purposes connected therewith.

*Motor Traffic and Transport (Further Amendment).*

**B**E 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.** (1) This Act may be cited as the "Motor Traffic and Transport (Further Amendment) Act, 1956." Short title and citation.
- (2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1956.
- (3) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1956.
- 15** (4) The Motor Vehicles Taxation Management Act, 1949, as amended by the Motor Vehicles Taxation Management (Amendment) Act, 1951, and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1956.
- 20** (5) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Transport (Division of Functions) Acts, 1932-1956.
- 2.** (1) The Motor Traffic Acts, 1909-1956, is amended Amendment of Act No. 5, 1909. by omitting paragraph (q5) of subsection one of section three and by inserting in lieu thereof the following paragraph:— Sec. 3. (Regulations.)
- (q5) provide for the seizure and for the taking charge of, removal or towing away of any motor vehicle that is a danger or unreasonable obstruction to traffic or has been abandoned in a public street, or has been caused or permitted to stand, wait, stop or to be parked contrary to law in any part of a public street in which is conspicuously displayed a sign exhibiting or including the words "tow away area" or "vehicles impounded" or other words indicating that such a vehicle
- 25**
- 30**
- 35**

*Motor Traffic and Transport (Further Amendment).*

5 vehicle is subject to seizure; and for the keeping  
or impounding, at a place appointed or set apart  
by the Commissioner of Police for the purpose,  
of any motor vehicle so removed or towed away;  
and for the conditions to be observed before the  
release of any such motor vehicle, including a  
condition for payment of such amount as may,  
from time to time, be fixed by the Commissioner  
of Police in respect of the seizure, taking charge  
10 of, removal, towing away, keeping, impounding  
or releasing of any such motor vehicle; and for  
the disposal or destruction of any such motor  
vehicle if the owner fails within the time  
prescribed to claim the same and to pay such  
15 amount.

Such regulations shall prescribe the conditions  
to be observed before such seizure as aforesaid.

20 Different amounts may be fixed by the Com-  
missioner of Police as aforesaid in respect of  
different classes of motor vehicles or according  
to different circumstances.

(2) Subsection one of this section shall be deemed  
to have commenced on the first day of October, one  
thousand nine hundred and thirty.

25 **3.** (1) The State Transport (Co-ordination) Act, Amendment  
1931-1954, is amended— of Act  
No. 32,  
1931.

(a) by omitting from subsection one of section  
twelve the words "in the course and for the  
purposes of intra-state trade" and by inserting  
30 in lieu thereof the words "otherwise than in the  
course and for the purposes of inter-state  
trade";  
(b) by omitting from the same subsection the words  
"for operation as aforesaid".  
Sec. 12.  
(Public  
motor  
vehicle  
not to be  
operated  
in certain  
cases unless  
vehicle  
licensed.)

35 (2) Subsection one of this section shall be deemed  
to have commenced on the sixteenth day of December,  
one thousand nine hundred and fifty-four.

(3)

*Motor Traffic and Transport (Further Amendment).*

(3) A person shall not, by reason of the operation of the amendments made by subsection one of this section, be guilty of an offence against the State Transport (Co-ordination) Act, 1931-1954, in respect of anything  
5 done or omitted to be done before the commencement of this subsection if he would not have been so guilty had such amendments not been made.

4. (1) The Motor Vehicles Taxation Management Act, 1949-1951, is amended by inserting at the end of section  
10 three the following new subsection:—

(2) 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  
15 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.

(2) Subsection one of this section shall be deemed  
20 to have commenced on the first day of December, one thousand nine hundred and forty-nine.

5. The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended by inserting  
25 at the end of section twenty-seven the following new paragraph:—

The foregoing provisions of this section shall extend, and shall be deemed always to have extended, to an action for the recovery of moneys which have in fact been paid to or collected by any such Commissioner or person where such payment was made or purported to be made or such collection was effected or purported to be effected under the  
30 authority or purported authority of any Act whether or not such Act was valid or effectual to impose or  
35 authorise the imposition upon any person of an obligation to pay such moneys or to empower such Commissioner or first-mentioned person to receive or collect the same.

No. , 1956.

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## A BILL

To amend the Motor Traffic Acts, 1909-1956, in connection with the removal and towing away of certain motor vehicles; to amend the State Transport (Co-ordination) Act, 1931-1954, to make provision for the licensing of certain public motor vehicles; to amend the Motor Vehicles Taxation Management Act, 1949-1951, to ensure the preservation of the Act in certain events; to amend the Transport (Division of Functions) Act, 1932-1952, to make further provision in relation to limitation of actions; to validate certain matters; and for purposes connected therewith.

[MR. ENTICKNAP;—6 *September*, 1956.]

*Motor Traffic and Transport (Further Amendment).*

**B**E 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 :—

**1.** (1) This Act may be cited as the "Motor Traffic and Transport (Further Amendment) Act, 1956." Short title and citation.

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor  
10 Traffic Act, 1909-1956.

(3) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1956.

**15** (4) The Motor Vehicles Taxation Management Act, 1949, as amended by the Motor Vehicles Taxation Management (Amendment) Act, 1951, and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1956.

**20** (5) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Transport (Division of Functions) Acts, 1932-1956.

**25** **2.** (1) The Motor Traffic Acts, 1909-1956, is amended by omitting paragraph (q5) of subsection one of section three and by inserting in lieu thereof the following paragraph :— Amendment of Act No. 5, 1909. Sec. 3. (Regulations.)

(q5) provide for the seizure and for the taking  
30 charge of, removal or towing away of any motor vehicle that is a danger or unreasonable obstruction to traffic or has been abandoned in a public street, or has been caused or permitted to stand, wait, stop or to be parked contrary to law in any part of a public street in which is conspicuously  
35 displayed a sign exhibiting or including the words "tow away area" or "vehicles impounded" or other words indicating that such a vehicle

*Motor Traffic and Transport (Further Amendment).*

5 vehicle is subject to seizure; and for the keeping  
 or impounding, at a place appointed or set apart  
 by the Commissioner of Police for the purpose,  
 of any motor vehicle so removed or towed away;  
 10 and for the conditions to be observed before the  
 release of any such motor vehicle, including a  
 condition for payment of such amount as may,  
 from time to time, be fixed by the Commissioner  
 of Police in respect of the seizure, taking charge  
 of, removal, towing away, keeping, impounding  
 or releasing of any such motor vehicle; and for  
 the disposal or destruction of any such motor  
 vehicle if the owner fails within the time  
 15 prescribed to claim the same and to pay such  
 amount.

Such regulations shall prescribe the conditions  
 to be observed before such seizure as aforesaid.

20 Different amounts may be fixed by the Com-  
 missioner of Police as aforesaid in respect of  
 different classes of motor vehicles or according  
 to different circumstances.

(2) Subsection one of this section shall be deemed  
 to have commenced on the first day of October, one  
 thousand nine hundred and thirty.

25 **3.** (1) The State Transport (Co-ordination) Act, Amendment  
 1931-1954, is amended— of Act  
 No. 32,  
 1931.

(a) by omitting from subsection one of section  
 twelve the words "in the course and for the  
 purposes of intra-state trade" and by inserting  
 30 in lieu thereof the words "otherwise than in the  
 course and for the purposes of inter-state  
 trade"; (Public  
 motor  
 vehicle  
 not to be  
 operated  
 in certain  
 cases unless  
 vehicle  
 licensed.)

(b) by omitting from the same subsection the words  
 "for operation as aforesaid".

(2) Subsection one of this section shall be deemed  
 to have commenced on the sixteenth day of December,  
 one thousand nine hundred and fifty-four.

(3)

*Motor Traffic and Transport (Further Amendment).*

(3) A person shall not, by reason of the operation of the amendments made by subsection one of this section, be guilty of an offence against the State Transport (Co-ordination) Act, 1931-1954, in respect of anything  
5 done or omitted to be done before the commencement of this subsection if he would not have been so guilty had such amendments not been made.

4. (1) The Motor Vehicles Taxation Management Act, 1949-1951, is amended by inserting at the end of section  
10 three the following new subsection:—

Amendment  
of Act  
No. 34,  
1949.

(2) 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  
15 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.

Sec. 3.  
(Definitions.)

(2) Subsection one of this section shall be deemed  
20 to have commenced on the first day of December, one thousand nine hundred and forty-nine.

5. The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended by inserting  
25 at the end of section twenty-seven the following new paragraph:—

Amendment  
of Act  
No. 31,  
1932.  
Sec. 27.

The foregoing provisions of this section shall extend, and shall be deemed always to have extended, to an action for the recovery of moneys which have in fact been paid to or collected by any such Commissioner or person where such payment was made or purported to be made or such collection was effected or purported to be effected under the authority or purported authority of any Act whether or not such Act was valid or effectual to impose or  
30 authorise the imposition upon any person of an obligation to pay such moneys or to empower such Commissioner or first-mentioned person to receive or collect the same.  
35

(Limitation  
of actions.)



# MOTOR TRAFFIC AND TRANSPORT (FURTHER AMENDMENT) BILL, 1956.

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## EXPLANATORY NOTE.

THE objects of this Bill are—

- (1) to extend the power to make regulations relating to the seizure, removal, towing away and custody of motor vehicles which are a danger or obstruction to traffic or abandoned in a public street or illegally parked;
- (2) to bring within the provisions of the State Transport (Co-ordination) Act, 1931-1954, motor vehicles engaged in trade between the State and a Commonwealth Territory;
- (3) to insert in the Motor Vehicles Taxation Management Act, 1949-1951, a clause commonly known as a severance or reading-down clause;
- (4) to extend the limitation on the period of time within which actions may be brought against any Commissioner or person under section twenty-seven of the Transport (Division of Functions) Act, 1932, as amended, to actions for the recovery of moneys paid to and collected by any such Commissioner or person.

MOTOR TRAFFIC AND TRANSPORTATION AMENDMENT

JULY 1966

SECTION 1

the removal, removal,  
removal or obstruction  
of any vehicle;

(b) any person who  
violates any provision of  
this chapter and a Com-

missioner of the State  
Department of Transportation  
shall be guilty of a

Class B misdemeanor  
if he or she is convicted  
of a violation of this  
chapter for a second or  
subsequent offense.

No. , 1956.

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## A BILL

To amend the Motor Traffic Acts, 1909-1956, in connection with the removal and towing away of certain motor vehicles; to amend the State Transport (Co-ordination) Act, 1931-1954, to make provision for the licensing of certain public motor vehicles; to amend the Motor Vehicles Taxation Management Act, 1949-1951, to ensure the preservation of the Act in certain events; to amend the Transport (Division of Functions) Act, 1932-1952, to make further provision in relation to limitation of actions; to validate certain matters; and for purposes connected therewith.

[MR. ENTICKNAP;—6 *September*, 1956.]

*Motor Traffic and Transport (Further Amendment).*

**B**E 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:—

**1.** (1) This Act may be cited as the "Motor Traffic and Transport (Further Amendment) Act, 1956." Short title and citation.

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor  
10 Traffic Act, 1909-1956.

(3) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1956.

**15** (4) The Motor Vehicles Taxation Management Act, 1949, as amended by the Motor Vehicles Taxation Management (Amendment) Act, 1951, and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1956.

**20** (5) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Transport (Division of Functions) Acts, 1932-1956.

**25** **2.** (1) The Motor Traffic Acts, 1909-1956, is amended by omitting paragraph (q5) of subsection one of section three and by inserting in lieu thereof the following paragraph:— Amendment of Act No. 5, 1909. Sec. 3. (Regulations.)

(q5) provide for the seizure and for the taking  
30 charge of, removal or towing away of any motor vehicle that is a danger or unreasonable obstruction to traffic or has been abandoned in a public street, or has been caused or permitted to stand, wait, stop or to be parked contrary to law in any part of a public street in which is conspicuously  
35 displayed a sign exhibiting or including the words "tow away area" or "vehicles impounded" or other words indicating that such a vehicle

*Motor Traffic and Transport (Further Amendment).*

vehicle is subject to seizure; and for the keeping or impounding, at a place appointed or set apart by the Commissioner of Police for the purpose, of any motor vehicle so removed or towed away; and for the conditions to be observed before the release of any such motor vehicle, including a condition for payment of such amount as may, from time to time, be fixed by the Commissioner of Police in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of any such motor vehicle; and for the disposal or destruction of any such motor vehicle if the owner fails within the time prescribed to claim the same and to pay such amount.

Such regulations shall prescribe the conditions to be observed before such seizure as aforesaid.

Different amounts may be fixed by the Commissioner of Police as aforesaid in respect of different classes of motor vehicles or according to different circumstances.

(2) Subsection one of this section shall be deemed to have commenced on the first day of October, one thousand nine hundred and thirty.

3. (1) The State Transport (Co-ordination) Act, 1931-1954, is amended—

(a) by omitting from subsection one of section twelve the words "in the course and for the purposes of intra-state trade" and by inserting in lieu thereof the words "otherwise than in the course and for the purposes of inter-state trade";

(b) by omitting from the same subsection the words "for operation as aforesaid".

Amendment of Act No. 32, 1931. Sec. 12. (Public motor vehicle not to be operated in certain cases unless vehicle licensed.)

(2) Subsection one of this section shall be deemed to have commenced on the sixteenth day of December, one thousand nine hundred and fifty-four.

*Motor Traffic and Transport (Further Amendment).*

(3) A person shall not, by reason of the operation of the amendments made by subsection one of this section, be guilty of an offence against the State Transport (Co-ordination) Act, 1931-1954, in respect of anything  
 5 done or omitted to be done before the commencement of this subsection if he would not have been so guilty had such amendments not been made.

4. (1) The Motor Vehicles Taxation Management Act, 1949-1951, is amended by inserting at the end of section  
 10 three the following new subsection:—

(2) 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  
 15 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.

(2) Subsection one of this section shall be deemed  
 20 to have commenced on the first day of December, one thousand nine hundred and forty-nine.

5. The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended by inserting at the end of section twenty-seven the following new  
 25 paragraph:—

The foregoing provisions of this section shall extend, and shall be deemed always to have extended, to an action for the recovery of moneys which have in fact been paid to or collected by any such Commissioner or person where such payment was made or purported to be made or such collection was effected or purported to be effected under the authority or purported authority of any Act whether or not such Act was valid or effectual to impose or  
 30 authorise the imposition upon any person of an obligation to pay such moneys or to empower such Commissioner or first-mentioned person to receive or collect the same.

# New South Wales



ANNO QUINTO

## ELIZABETHÆ II REGINÆ

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### Act No. 16, 1956.

An Act to amend the Motor Traffic Acts, 1909-1956, in connection with the removal and towing away of certain motor vehicles; to amend the State Transport (Co-ordination) Act, 1931-1954, to make provision for the licensing of certain public motor vehicles; to amend the Motor Vehicles Taxation Management Act, 1949-1951, to ensure the preservation of the Act in certain events; to amend the Transport (Division of Functions) Act, 1932-1952, to make further provision in relation to limitation of actions; to validate certain matters; and for purposes connected therewith. [Assented to, 13th September, 1956.]

BE

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*Motor Traffic and Transport (Further Amendment).*

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**B**E 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  
citation.

**1.** (1) This Act may be cited as the "Motor Traffic and Transport (Further Amendment) Act, 1956."

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1956.

(3) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1956.

(4) The Motor Vehicles Taxation Management Act, 1949, as amended by the Motor Vehicles Taxation Management (Amendment) Act, 1951, and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1956.

(5) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Transport (Division of Functions) Acts, 1932-1956.

Amendment  
of Act No.  
5, 1909.  
Sec. 3.  
(Regula-  
tions.)

**2.** (1) The Motor Traffic Acts, 1909-1956, is amended by omitting paragraph (q5) of subsection one of section three and by inserting in lieu thereof the following paragraph:—

(q5) provide for the seizure and for the taking charge of, removal or towing away of any motor vehicle that is a danger or unreasonable obstruction to traffic or has been abandoned in a public street, or has been caused or permitted to stand, wait, stop or to be parked contrary to law in any part of a public street in which is conspicuously displayed a sign exhibiting or including the words "tow away area" or "vehicles impounded" or other words indicating that such a  
vehicle



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*Motor Traffic and Transport (Further Amendment).*

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vehicle is subject to seizure; and for the keeping or impounding, at a place appointed or set apart by the Commissioner of Police for the purpose, of any motor vehicle so removed or towed away; and for the conditions to be observed before the release of any such motor vehicle, including a condition for payment of such amount as may, from time to time, be fixed by the Commissioner of Police in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of any such motor vehicle; and for the disposal or destruction of any such motor vehicle if the owner fails within the time prescribed to claim the same and to pay such amount.

Such regulations shall prescribe the conditions to be observed before such seizure as aforesaid.

Different amounts may be fixed by the Commissioner of Police as aforesaid in respect of different classes of motor vehicles or according to different circumstances.

(2) Subsection one of this section shall be deemed to have commenced on the first day of October, one thousand nine hundred and thirty.

**3.** (1) The State Transport (Co-ordination) Act, 1931-1954, is amended—

- (a) by omitting from subsection one of section twelve the words “in the course and for the purposes of intra-state trade” and by inserting in lieu thereof the words “otherwise than in the course and for the purposes of inter-state trade”;
- (b) by omitting from the same subsection the words “for operation as aforesaid”.

Amendment  
of Act  
No. 32,  
1931.  
Sec. 12.  
(Public  
motor  
vehicle  
not to be  
operated  
in certain  
cases unless  
vehicle  
licensed.)

(2) Subsection one of this section shall be deemed to have commenced on the sixteenth day of December, one thousand nine hundred and fifty-four.

(3)

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*Motor Traffic and Transport (Further Amendment).*

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(3) A person shall not, by reason of the operation of the amendments made by subsection one of this section, be guilty of an offence against the State Transport (Co-ordination) Act, 1931-1954, in respect of anything done or omitted to be done before the commencement of this subsection if he would not have been so guilty had such amendments not been made.

Amendment  
of Act  
No. 34,  
1949.

Sec. 3.  
(Defini-  
tions.)

**4.** (1) The Motor Vehicles Taxation Management Act, 1949-1951, is amended by inserting at the end of section three the following new subsection:—

(2) 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.

(2) Subsection one of this section shall be deemed to have commenced on the first day of December, one thousand nine hundred and forty-nine.

Amendment  
of Act  
No. 31,  
1932.

Sec. 27.  
(Limitation  
of actions.)

**5.** The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended by inserting at the end of section twenty-seven the following new paragraph:—

The foregoing provisions of this section shall extend, and shall be deemed always to have extended, to an action for the recovery of moneys which have in fact been paid to or collected by any such Commissioner or person where such payment was made or purported to be made or such collection was effected or purported to be effected under the authority or purported authority of any Act whether or not such Act was valid or effectual to impose or authorise the imposition upon any person of an obligation to pay such moneys or to empower such Commissioner or first-mentioned person to receive or collect the same.

*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.*

I. P. K. VIDLER,  
*for Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 12 September, 1956.*

## New South Wales



ANNO QUINTO

**ELIZABETHÆ II REGINÆ**

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### Act No. 16, 1956.

An Act to amend the Motor Traffic Acts, 1909-1956, in connection with the removal and towing away of certain motor vehicles; to amend the State Transport (Co-ordination) Act, 1931-1954, to make provision for the licensing of certain public motor vehicles; to amend the Motor Vehicles Taxation Management Act, 1949-1951, to ensure the preservation of the Act in certain events; to amend the Transport (Division of Functions) Act, 1932-1952, to make further provision in relation to limitation of actions; to validate certain matters; and for purposes connected therewith. [Assented to, 13th September, 1956.]

BE

*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.*

*Motor Traffic and Transport (Further Amendment).*

**B**E 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  
citation.

**1.** (1) This Act may be cited as the "Motor Traffic and Transport (Further Amendment) Act, 1956."

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1956.

(3) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1956.

(4) The Motor Vehicles Taxation Management Act, 1949, as amended by the Motor Vehicles Taxation Management (Amendment) Act, 1951, and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1956.

(5) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Transport (Division of Functions) Acts, 1932-1956.

Amendment  
of Act No.  
5, 1909.  
Sec. 3.  
(Regula-  
tions.)

**2.** (1) The Motor Traffic Acts, 1909-1956, is amended by omitting paragraph (q5) of subsection one of section three and by inserting in lieu thereof the following paragraph:—

(q5) provide for the seizure and for the taking charge of, removal or towing away of any motor vehicle that is a danger or unreasonable obstruction to traffic or has been abandoned in a public street, or has been caused or permitted to stand, wait, stop or to be parked contrary to law in any part of a public street in which is conspicuously displayed a sign exhibiting or including the words "tow away area" or "vehicles impounded" or other words indicating that such a vehicle

*Motor Traffic and Transport (Further Amendment).*

vehicle is subject to seizure; and for the keeping or impounding, at a place appointed or set apart by the Commissioner of Police for the purpose, of any motor vehicle so removed or towed away; and for the conditions to be observed before the release of any such motor vehicle, including a condition for payment of such amount as may, from time to time, be fixed by the Commissioner of Police in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of any such motor vehicle; and for the disposal or destruction of any such motor vehicle if the owner fails within the time prescribed to claim the same and to pay such amount.

Such regulations shall prescribe the conditions to be observed before such seizure as aforesaid.

Different amounts may be fixed by the Commissioner of Police as aforesaid in respect of different classes of motor vehicles or according to different circumstances.

(2) Subsection one of this section shall be deemed to have commenced on the first day of October, one thousand nine hundred and thirty.

**3.** (1) The State Transport (Co-ordination) Act, 1931-1954, is amended—

- (a) by omitting from subsection one of section twelve the words "in the course and for the purposes of intra-state trade" and by inserting in lieu thereof the words "otherwise than in the course and for the purposes of inter-state trade";
- (b) by omitting from the same subsection the words "for operation as aforesaid".

Amendment  
of Act  
No. 32,  
1931.  
Sec. 12.  
(Public  
motor  
vehicle  
not to be  
operated  
in certain  
cases unless  
vehicle  
licensed.)

(2) Subsection one of this section shall be deemed to have commenced on the sixteenth day of December, one thousand nine hundred and fifty-four.

(3)

---

*Motor Traffic and Transport (Further Amendment).*

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(3) A person shall not, by reason of the operation of the amendments made by subsection one of this section, be guilty of an offence against the State Transport (Co-ordination) Act, 1931-1954, in respect of anything done or omitted to be done before the commencement of this subsection if he would not have been so guilty had such amendments not been made.

Amendment  
of Act  
No. 34,  
1949.

Sec. 3.  
(Defini-  
tions.)

**4.** (1) The Motor Vehicles Taxation Management Act, 1949-1951, is amended by inserting at the end of section three the following new subsection:—

(2) 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.

(2) Subsection one of this section shall be deemed to have commenced on the first day of December, one thousand nine hundred and forty-nine.

Amendment  
of Act  
No. 31,  
1932.

Sec. 27.  
(Limitation  
of actions.)

**5.** The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended by inserting at the end of section twenty-seven the following new paragraph:—

The foregoing provisions of this section shall extend, and shall be deemed always to have extended, to an action for the recovery of moneys which have in fact been paid to or collected by any such Commissioner or person where such payment was made or purported to be made or such collection was effected or purported to be effected under the authority or purported authority of any Act whether or not such Act was valid or effectual to impose or authorise the imposition upon any person of an obligation to pay such moneys or to empower such Commissioner or first-mentioned person to receive or collect the same.

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

K. W. STREET,  
*Lieutenant-Governor.*

*Government House,  
Sydney, 13th September, 1956.*