

**NOTICE OF ACTION AND OTHER
PRIVILEGES ABOLITION ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 19, 1977.

An Act to amend certain Acts in so far as they provide for the giving of notice of action, special limitation periods, tender of amends and related matters. [Assented to, 24th March, 1977.]

BE

Notice of Action and Other Privileges Abolition.

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.** **1.** This Act may be cited as the "Notice of Action and Other Privileges Abolition Act, 1977".
- Commence-
ment.** **2.** This Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- Savings.** **3.** The amendments made by this Act do not affect any proceedings on a cause of action accrued before the commencement of this Act.
- Amend-
ment of
Acts.** **4.** Each Act specified in Column 1 of Schedule 1 is amended in the manner specified opposite that Act in Column 2 of Schedule 1.
- Amend-
ment of
other
Acts.** **5.** (1) In this section, a reference to an action is a reference to an action of a kind for the bringing of which a limitation period is fixed by or under the Limitation Act, 1969, whether or not a different limitation period for a particular action of that kind is fixed by or under an Act other than that Act.
- (2) This section applies to an Act other than—
- (a) the Limitation Act, 1969; and
- (b) an Act specified in Schedule 1,
- and applies to an Imperial Act in force in New South Wales which Parliament has power to amend in relation to its operation in New South Wales.
- (3)

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(3) Subject to subsection (4), in so far as an Act or Imperial Act to which this section applies provides in any form—

- (a) that notice is to be given before an action may be commenced;
- (b) that the notice shall be in a specified form or state specified matters;
- (c) that an action may not be commenced until the expiration of a specified period after the giving of the notice;
- (d) that an authorised person shall—
 - (i) be permitted to inspect damage or injury specified in the notice; or
 - (ii) be given all facilities and information necessary to ascertain the nature and extent of damage or injury so specified and any expenditure or loss relating thereto;
- (e) that, where the notice has been given, the plaintiff is not permitted to go into evidence of any cause of action not specified in the notice;
- (f) that, where the notice has not been given, the plaintiff is not entitled to maintain the action;
- (g) that a court may amend any defect in the notice;
- (h) that a court may direct that any non-compliance, or insufficient compliance, with a provision referred to in paragraph (a), (b), (c) or (d) is not a bar to the maintenance of an action;
- (i) that an action shall be commenced within any period;

(j)

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(j) that a court may extend a period referred to in paragraph (i); or

(k) for a tender of amends before action to be a defence,

the Act is hereby amended so that it ceases so to provide.

(4) Subsection (3) does not amend an Act so as to affect the operation of—

(a) section 63 of the Workers' Compensation Act, 1926;

(b) section 15 or 26 of the Motor Vehicles (Third Party Insurance) Act, 1942;

(c) Division 8 of Part III of the Defamation Act, 1974;
or

(d) the general law relating to tender before action of a debt or liquidated sum.

Sec. 4.

SCHEDULE 1.
AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title.	Amendment.
1890, 54 Vic. No. 7.	Wentworth Irrigation Act.	Section 20— Omit the section.
1896, 60 Vic. No. 23.	Municipal Council of Sydney Electric Lighting Act, 1896.	Section 38— Omit the section.

SCHEDULE

*Notice of Action and Other Privileges Abolition.*SCHEDULE 1—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title.	Amendment.
1898, No. 46..	Seamen's Act, 1898.	Section 111 (1)— Omit “, and unless such action is commenced within three months”.
1900, No. 25..	Real Property Act, 1900.	Section 128— Omit the section.
1900, No. 40..	Crimes Act 1900.	Section 130 (1) and (2)— Omit the subsections.
1901, No. 5 ..	Police Offences Act, 1901.	Section 563— Omit the section.
1901, No. 64..	Prevention of Cruelty to Animals Act, 1901.	Section 114— Omit the section.
1901, No. 64..	Prevention of Cruelty to Animals Act, 1901.	Section 12 (1)— Omit “139”, insert instead “140”. Omit “, except that the time limited for commencing any such action shall be three months next after the act complained of was committed”.
1902, No. 27..	Justices Act, 1902.	Section 139— Omit the section.
		Section 141 (1)— Omit the subsection.
		Section 141 (2)— Omit “any such action”, insert instead “an action against a Justice”. Omit “, if he has not made any tender as aforesaid or in addition to such tender,”.
1902, No. 57..	Hay Irrigation Act, 1902.	Section 15— Omit the section.
1902, No. 66..	Pawnbrokers Act, 1902.	Section 45— Omit the section.
1902, No. 78..	Balranald Irrigation Act, 1902.	Section 19— Omit the section.
1909, No. 9 ..	Fire Brigades Act, 1909.	Section 47— Omit the section.
1912, No. 24..	Inebriates Act, 1912.	Section 31 (2)— Omit the subsection.
1912, No. 25..	Gaming and Betting Act, 1912.	Sections 57 and 58— Omit the sections.
1912, No. 30..	Government Railways Act, 1912.	Sections 143, 144 and 146— Omit the sections.
1912, No. 42..	Liquor Act, 1912.	Section 171— Omit the section.

SCHEDULE

*Notice of Action and Other Privileges Abolition.*SCHEDULE 1—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title.	Amendment.
1912, No. 44 . .	Water Act, 1912.	Section 54 (1)— Omit "They shall not be responsible for any loss, injury, or damage caused by them, unless claim in writing is made within three months thereafter."
1913, No. 7 . . .	Crown Lands Consolidation Act, 1913.	Section 249— Omit the section and the heading thereto.
1915, No. 29 . . .	City and Suburban Electric Railways Act, 1915.	Section 12 (2)— Omit the subsection.
1919, No. 41 . . .	Local Government Act, 1919.	Section 580— Omit the section.
1922, No. 28 . . .	Sydney Harbour Bridge Act, 1922.	Section 19 (2) and (3)— Omit the subsections.
1924, No. 50 . . .	Metropolitan Water, Sewerage, and Drainage Act, 1924.	Section 132 (3)— Omit the subsection.
1930, No. 18 . . .	Transport Act, 1930.	Section 232 (2)— Omit the subsection. Sections 233 and 235— Omit the sections.
1932, No. 3 . . .	Ministry of Transport Act, 1932.	Sections 16, 17 and 19— Omit the sections.
1932, No. 31 . . .	Transport (Division of Functions) Act, 1932.	Sections 27, 28 and 30— Omit the sections.
1935, No. 47 . . .	Maritime Services Act, 1935.	Section 40— Omit the section.
1935, No. 58 . . .	Fisheries and Oyster Farms Act, 1935.	Section 108— Omit the section.
1938, No. 11 . . .	Hunter District Water, Sewerage and Drainage Act, 1938.	Section 135 (3), (4), (5), (6) and (7)— Omit the subsections.
1938, No. 20 . . .	Broken Hill Water and Sewerage Act, 1938.	Section 126 (3)— Omit the subsection.

SCHEDULE

*Notice of Action and Other Privileges Abolition.*SCHEDULE 1—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title.	Amendment.
1939, No. 17..	Child Welfare Act, 1939.	Section 158 (2)— Omit the subsection. Section 158 (3)— Omit “, or that the suit or action was commenced after the expiration of the six months aforesaid”.
1950, No. 22..	Electricity Commission Act, 1950.	Section 100— Omit the section.
1951, No. 11..	Sydney Harbour Transport Act, 1951.	Section 34— Omit the section.
1952, No. 9 ..	Prisons Act, 1952.	Section 47— Omit the section.
1954, No. 36..	Grain Elevators Act, 1954.	Section 56— Omit the section.
1963, No. 44..	Cobar Water Supply Act, 1963.	Section 48 (3)— Omit the subsection.
1963, No. 59..	State Planning Authority Act, 1963.	Section 70— Omit the section
1968, No. 11..	Sydney Farm Produce Market Authority Act, 1968.	Section 44— Omit the section.
1968, No. 56..	Sydney Cove Redevelopment Authority Act, 1968.	Section 53— Omit the section.
1970, No. 11..	Courts of Petty Sessions (Civil Claims) Act, 1970.	Section 2— Omit the matter relating to Division 3 of Part II. Part II, Division 3— Omit the Division.
1970, No. 22..	Land Development Contribution Act, 1970.	Section 16 (2)— Paragraphs (b) and (c)— Omit the paragraphs. Paragraph (d)— Omit “the application is made, within twelve months after the date of revocation and unless”.
1970, No. 29..	Dairy Industry Authority Act, 1970.	Section 81— Omit the section.

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 SCHEDULE 1—*continued.*

 AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title.	Amendment.
1970, No. 95..	State Pollution Control Commission Act, 1970.	Section 30— Omit the section.
1970, No. 96..	Summary Offences Act, 1970.	Section 65— Omit the section.
1970, No. 97..	Waste Disposal Act, 1970.	Section 54— Omit the section.
1971, No. 16..	Builders Licensing Act, 1971.	Section 58— Omit the section.
1972, No. 15..	Ambulance Service Act, 1972.	Section 54— Omit the section.
1972, No. 53..	Public Transport Commission Act, 1972.	Section 29— Omit the section.
1972, No. 63..	Health Commission Act, 1972.	Section 29— Omit the section.
1973, No. 34..	Zoological Parks Board Act, 1973.	Section 35— Omit the section.
1973, No. 47..	Private Irrigation Districts and Water (Amendment) Act, 1973.	Section 87— Omit the section.
1973, No. 71..	Travel Agents Act, 1973.	Section 72— Omit the section.
1975, No. 27..	Teacher Housing Authority Act, 1975.	Section 41— Omit the section.
1975, No. 32..	Indecent Articles and Classified Publications Act, 1975.	Section 27 (1), (2), (3), (4), (5) and (6)— Omit the subsections.
1975, No. 38..	Public Servant Housing Authority Act, 1975.	Section 39— Omit the section.
1976, No. 34..	Water Resources Commission Act, 1976.	Sections 13, 14, 15— Omit the sections.
