

**JUSTICES (COURTESY LETTERS) AMENDMENT
ACT 1993 No. 75**

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

**JUSTICES (COURTESY LETTERS) AMENDMENT
ACT 1993 No. 75**

NEW SOUTH WALES



Act No. 75, 1993

An Act to amend the Justices Act 1902 to make further provision with respect to courtesy letters; and to validate courtesy letters and subsequent action taken concerning them. [Assented to 22 November 1993]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Justices (Courtesy Letters) Amendment Act 1993.

Commencement

2. This Act commences on the date of assent.

Amendment of Justices Act 1902 No. 27

3. The Justices Act 1902 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 100J (**Courtesy letters**):

(a) Omit section 100J (1) (a) and (b), insert instead:

(a) the person has until the due date specified in the courtesy letter (being a day that is not less than 21 days after it is served on the person) to make the payment; and

(b) if the payment is not made by the due date, further enforcement action will be taken against the person, which could include the issue of an enforcement order for payment of the penalty and additional costs.

(b) From section 100J (2), omit “until the expiration of the period of 21 days after the courtesy letter was served”, insert instead “to the due date specified in the courtesy letter”.

(c) From section 100J (4), omit “within 21 days after a courtesy letter was served on him”, insert instead “on or before the due date specified in the courtesy letter served on the person”.

SCHEDULE 1—AMENDMENTS—*continued*

(d) After section 100J (6), insert:

(7) If the regulations prescribe the form of a courtesy letter, a courtesy letter must be in or to the effect of the prescribed form.

(8) The inclusion in a courtesy letter of additional information and directions for the assistance or guidance of the person on whom it is served does not affect the validity of the courtesy letter.

(2) Section 100JA:

After section 100J insert:

Service of courtesy letters sent by post

100JA. (1) It is to be presumed that a courtesy letter sent to a person by post is served on the person 7 days after it is posted, unless the person establishes that it was not served within that 7-day period.

(2) Accordingly, a courtesy letter that is posted may specify a date that is not less than 28 days after the courtesy letter is posted as the due date for making the payment concerned.

(3) If a courtesy letter is served on a person more than 7 days after it was posted, the letter is not invalid merely because it specifies as the due date a date that is less than 21 days after it was served on the person. In such a case however the due date is extended to a date that is 21 days after the courtesy letter was served and the courtesy letter is taken to specify that date as the due date.

(3) Section 100L (**Orders to enforce penalty notices**):

Omit section 100J (1) (c), insert instead:

(c) the due date specified in the courtesy letter has passed;

(4) Section 100O (**Parking offences**):

From section 100O (2) (a), omit “within 21 days after service on him of the courtesy letter”, insert instead “on or before the due date specified in the courtesy letter”.

SCHEDULE 1—AMENDMENTS—*continued*(5) Second Schedule (**Savings, Transitional and Other Provisions**):

At the end of the Schedule, insert:

**PART 6—PROVISIONS CONSEQUENTIAL ON
ENACTMENT OF JUSTICES (COURTESY
LETTERS) AMENDMENT ACT 1993**

Validation

16. (1) A notice, apparently for the purposes of section 100J, issued before the date of commencement of the Justices (Courtesy Letters) Amendment Act 1993 and expressed to be a courtesy letter is taken to be a valid courtesy letter referred to in section 100J and to have been validly issued.

(2) Action taken after the issue of such a notice is not invalid because of any invalidity cured by this clause. Without limiting the generality of this provision, such action includes the payment or recovery of an amount under a penalty notice, the payment or recovery of an amount under an enforcement order made under section 100L, the imprisonment or detention of a person, the cancellation of the registration of a motor vehicle, the cancellation of a licence issued under the Traffic Act 1909 or the incurring or recording of demerit points under the Motor Traffic Regulations 1935.

Application of amendments

17. The amendments made by the Justices (Courtesy Letters) Amendment Act 1993 do not apply to a courtesy letter that is posted before the commencement of that Act.

*[Minister's second reading speech made in—
Legislative Council on 28 October 1993
Legislative Assembly on 9 November 1993]*