

*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.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 3 March, 1977.*

## **New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**Act No.       , 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.

BE (a)

*Notice of Action and Other Privileges Abolition.*

**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. This Act may be cited as the "Notice of Action and Other Privileges Abolition Act, 1977". Short title.
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. Commence-ment.
3. The amendments made by this Act do not affect any proceedings on a cause of action accrued before the commencement of this Act. Savings.
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 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. Amend-ment of other Acts.
- (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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*Notice of Action and Other Privileges Abolition.*

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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—

- 5 (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  
10 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
  - 15 (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  
20 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;
- 25 (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)

*Notice of Action and Other Privileges Abolition.*

(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,

5 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;

10 (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

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

SCHEDULE 1.

Sec. 4.

AMENDMENT OF ACTS.

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

SCHEDULE



*Notice of Action and Other Privileges Abolition.*

## SCHEDULE 1—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title.
		Amendment.
	1898, No. 46..	Seamen's Act, 1898.
10	1900, No. 25..	Real Property Act, 1900.
	1900, No. 40..	Crimes Act 1900.
15	1901, No. 5 ..	Police Offences Act, 1901.
	1901, No. 64..	Prevention of Cruelty to Animals Act, 1901.
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25	1902, No. 27..	Justices Act, 1902.
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	1902, No. 66..	Pawnbrokers Act, 1902.
	1902, No. 78..	Balranald Irrigation Act, 1902.
40	1909, No. 9 ..	Fire Brigades Act, 1909.
	1912, No. 24..	Inebriates Act, 1912.
45	1912, No. 25..	Gaming and Betting Act, 1912.
	1912, No. 30..	Government Railways Act, 1912.
50	1912, No. 42..	Liquor Act, 1912.

*Notice of Action and Other Privileges Abolition.*

## SCHEDULE 1—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title. Amendment.
10	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."
15	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.
20	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.
25	1924, No. 50..	Metropolitan Water, Sewerage, and Drainage Act, 1924. Section 132 (3)— Omit the subsection.
30	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.
35	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.
40	1935, No. 58..	Fisheries and Oyster Farms Act, 1935. Section 108— Omit the section.
45	1938, No. 11..	Hunter District Water, Sewerage and Drainage Act, 1938. Section 135 (3), (4), (5), (6) and (7)— Omit the subsections.
50	1938, No. 20..	Broken Hill Water and Sewerage Act, 1938. Section 126 (3)— Omit the subsection.



*Notice of Action and Other Privileges Abolition.*

## SCHEDULE 1—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title. Amendment.
10	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”.
15	1950, No. 22..	Electricity Commission Act, 1950. Section 100— Omit the section.
20	1951, No. 11..	Sydney Harbour Transport Act, 1951. Section 34— Omit the section.
25	1952, No. 9 ..	Prisons Act, 1952. Section 47— Omit the section.
30	1954, No. 36..	Grain Elevators Act, 1954. Section 56— Omit the section.
35	1963, No. 44..	Cobar Water Supply Act, 1963. Section 48 (3)— Omit the subsection.
40	1963, No. 59..	State Planning Authority Act, 1963. Section 70— Omit the section.
45	1968, No. 11..	Sydney Farm Produce Market Authority Act, 1968. Section 44— Omit the section.
50	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.

*Notice of Action and Other Privileges Abolition.*

## SCHEDULE 1—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title. Amendment.
	1970, No. 95..	State Pollution Control Commission Act, 1970. Section 30—Omit the section.
10	1970, No. 96..	Summary Offences Act, 1970. Section 65—Omit the section.
	1970, No. 97..	Waste Disposal Act, 1970. Section 54—Omit the section.
15	1971, No. 16..	Builders Licensing Act, 1971. Section 58—Omit the section.
	1972, No. 15..	Ambulance Service Act, 1972. Section 54—Omit the section.
20	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.
25	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.
30	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.
35	1975, No. 32..	Indecent Articles and Classified Publications Act, 1975. Section 27 (1), (2), (3), (4), (5) and (6)—Omit the subsections.
40	1975, No. 38..	Public Servant Housing Authority Act, 1975. Section 39—Omit the section.
45	1976, No. 34..	Water Resources Commission Act, 1976. Sections 13, 14, 15—Omit the sections.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

[8c]



No. , 1977.

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## A BILL

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.

[MR F. J. WALKER—2 March, 1977.]

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- (2) This section applies to an Act other than—
  - (a) the Limitation Act, 1969; and
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 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.

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- (d) that an authorised person shall—
  - (i) be permitted to inspect damage or injury specified in the notice; or
  - 15 (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;
- 20 (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;
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- (g) that a court may amend any defect in the notice;
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## SCHEDULE 1.

Sec. 4.

## AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title.	Amendment.
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SCHEDULE



*Notice of Action and Other Privileges Abolition.*

## SCHEDULE 1—continued.

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		Section 135 (3), (4), (5), (6) and (7)— Omit the subsections.
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		Section 126 (3)— Omit the subsection.



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

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977  
[8c]



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

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**EXPLANATORY NOTE**

THE object of this Bill is to give effect to the recommendations of the Law Reform Commission to abolish certain privileges enjoyed by certain public authorities and officials in relation to legal proceedings against them.

The Bill contains the following provisions :—

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Savings.

Clause 4 amends numerous Acts so that certain public authorities and officials cease to be entitled—

- (a) to have notice given of intention to commence an action against the authority or official;
- (b) to have such an action commenced within a limitation period specified in the Act; or
- (c) to plead tender of amends as a defence to an action.

The clause also effects any necessary consequential amendments.

Clause 5 amends, in the like manner to the Acts amended by clause 4, Acts that may have been inadvertently omitted from the operation of clause 4.

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UNITED STATES DEPARTMENT OF AGRICULTURE  
BUREAU OF PLANT INDUSTRY

REPORT OF THE  
COMMISSIONER OF PLANT INDUSTRY  
FOR THE YEAR 1911

WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1912

THE COMMISSIONER OF PLANT INDUSTRY  
H. W. HENSLEY

CHIEF OF BUREAU  
J. C. WILSON

ASSISTANT COMMISSIONER  
J. C. WILSON

CHIEF OF DIVISION  
J. C. WILSON

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follows:—

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To amend certain Acts in so far as they provide  
for the giving of notice of action, special limitation  
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[MR F. J. WALKER—2 March, 1977.]

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  - (a) the Limitation Act, 1969; and
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- (d) that an authorised person shall—
  - (i) be permitted to inspect damage or injury specified in the notice; or
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- 20 (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;
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Column 1.		Column 2.
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20 1890, 54 Vic. No. 7.	Wentworth Irrigation Act. Municipal Council of Sydney Electric Lighting Act, 1896.	Section 20— Omit the section.
25 1896, 60 Vic. No. 23.		Section 38— Omit the section.

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## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
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10	1900, No. 25..	Real Property Act, 1900. Section 128— Omit the section. Section 130 (1) and (2)— Omit the subsections, Section 563— Omit the section.
15	1900, No. 40..	Crimes Act 1900. Section 114— Omit the section.
	1901, No. 5 ..	Police Offences Act, 1901. Section 12 (1)— Omit “139”, insert instead “140”.
20	1901, No. 64..	Prevention of Cruelty to Animals Act, 1901. Omit “, except that the time limited for commencing any such action shall be three months next after the act complained of was committed”.
25	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,”.
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35	1902, No. 57..	Hay Irrigation Act, 1902. Section 15— Omit the section.
	1902, No. 66..	Pawnbrokers Act, 1902. Section 45— Omit the section.
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50	1912, No. 42..	Liquor Act, 1912. Section 171— Omit the section.

*Notice of Action and Other Privileges Abolition.*

## SCHEDULE 1—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	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."
15	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.
20	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.
25	1924, No. 50.. Metropolitan Water, Sewerage, and Drainage Act, 1924.	Section 132 (3)— Omit the subsection.
30	1930, No. 18.. Transport Act, 1930.	Section 232 (2)— Omit the subsection.
	1932, No. 3 .. Ministry of Transport Act, 1932.	Sections 233 and 235— Omit the sections.
35	1932, No. 31.. Transport (Division of Functions) Act, 1932.	Sections 16, 17 and 19— Omit the sections.
	1935, No. 47.. Maritime Services Act, 1935.	Sections 27, 28 and 30— Omit the sections.
40	1935, No. 58.. Fisheries and Oyster Farms Act, 1935.	Section 40— Omit the section.
45	1938, No. 11.. Hunter District Water, Sewerage and Drainage Act, 1938.	Section 108— Omit the section.
	1938, No. 20.. Broken Hill Water and Sewerage Act, 1938.	Section 135 (3), (4), (5), (6) and (7)— Omit the subsections.
50		Section 126 (3)— Omit the subsection.



*Notice of Action and Other Privileges Abolition.*

## SCHEDULE 1—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title. Amendment.
	1939, No. 17..	Child Welfare Act, 1939. Section 158 (2)— Omit the subsection.
10		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.
15	1951, No. 11..	Sydney Harbour Transport Act, 1951. Section 34— Omit the section.
	1952, No. 9 ..	Prisons Act, 1952. Section 47— Omit the section.
20	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.
25	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.
30	1968, No. 56..	Sydney Cove Redevelopment Authority Act, 1968. Section 53— Omit the section.
35	1970, No. 11..	Courts of Petty Sessions (Civil Claims) Act, 1970. Section 2— Omit the matter relating to Division 3 of Part II.
40	1970, No. 22..	Land Development Contribution Act, 1970. Part II, Division 3— Omit the Division.
		Section 16 (2)— Paragraphs (b) and (c)— Omit the paragraphs.
45		Paragraph (d)— Omit “the application is made, within twelve months after the date of revocation and unless”.
50	1970, No. 29..	Dairy Industry Authority Act, 1970. Section 81— Omit the section.

## SCHEDULE



*Notice of Action and Other Privileges Abolition.*

## SCHEDULE 1—continued.

## AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
	1970, No. 95..	State Pollution Control Commission Act, 1970. Section 30— Omit the section.
10	1970, No. 96..	Summary Offences Act, 1970. Section 65— Omit the section.
	1970, No. 97..	Waste Disposal Act, 1970. Section 54— Omit the section.
15	1971, No. 16..	Builders Licensing Act, 1971. Section 58— Omit the section.
	1972, No. 15..	Ambulance Service Act, 1972. Section 54— Omit the section.
20	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.
25	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.
30	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.
35	1975, No. 32..	Indecent Articles and Classified Publications Act, 1975. Section 27 (1), (2), (3), (4), (5) and (6)— Omit the subsections.
40	1975, No. 38..	Public Servant Housing Authority Act, 1975. Section 39— Omit the section.
45	1976, No. 34..	Water Resources Commission Act, 1976. Sections 13, 14, 15— Omit the sections.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977



# New South Wales



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**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**

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*Notice of Action and Other Privileges Abolition.*

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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.

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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*Notice of Action and Other Privileges Abolition.*

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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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*Notice of Action and Other Privileges Abolition.*

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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. Section 130 (1) and (2)— Omit the subsections.
1900, No. 40..	Crimes Act 1900.	Section 563— Omit the section.
1901, No. 5 ..	Police Offences 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.

*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.



*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.

*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.
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.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977



*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.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 10 March, 1977.*

## **New South Wales**



ANNO VICESIMO SEXTO

**ELIZABETHÆ II REGINÆ**

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**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

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

**T. J. CAHILL,**  
*Chairman of Committees of the Legislative Assembly.*



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*Notice of Action and Other Privileges Abolition.*

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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.             | 1. This Act may be cited as the "Notice of Action and Other Privileges Abolition Act, 1977".   |
| Commencement.            | 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.   |
| Amendment 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.  |
| Amendment of other Acts. | <p>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.</p> <p style="padding-left: 40px;">(2) This section applies to an Act other than—</p> <p style="padding-left: 40px;">(a) the Limitation Act, 1969; and</p> <p style="padding-left: 40px;">(b) an Act specified in Schedule 1,</p> <p>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.</p> <p style="text-align: right;">(3)</p> |



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*Notice of Action and Other Privileges Abolition.*

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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)



*Notice of Action and Other Privileges Abolition.*

(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.
1902, No. 27..	Justices Act, 1902.	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. 57..	Hay Irrigation Act, 1902.	Section 139— Omit the section.
1902, No. 66..	Pawnbrokers Act, 1902.	Section 141 (1)— Omit the subsection.
1902, No. 78..	Balranald Irrigation Act, 1902.	Section 141 (2)— Omit “any such action”, insert instead “an action against a Justice”.
1909, No. 9 ..	Fire Brigades Act, 1909.	Omit “, if he has not made any tender as aforesaid or in addition to such tender,”.
1912, No. 24..	Inebriates Act, 1912.	Section 15— Omit the section.
1912, No. 25..	Gaming and Betting Act, 1912.	Section 45— Omit the section.
1912, No. 30..	Government Railways Act, 1912.	Section 19— Omit the section.
1912, No. 42..	Liquor Act, 1912.	Section 47— Omit the section.
		Section 31 (2)— Omit the subsection.
		Sections 57 and 58— Omit the sections.
		Sections 143, 144 and 146— Omit the sections.
		Section 171— Omit the section.



*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.

## 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.
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.

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

A. R. CUTLER,  
Governor.

Government House,  
Sydney, 24th March, 1977.