

FIRST PRINT

JUSTICES (COURTESY LETTERS) AMENDMENT BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Justices Act 1902:

- (a) to change the requirements of section 100J of the Act as to the contents of a courtesy letter so that the Act reflects the practice that has developed with respect to courtesy letters; and
- (b) to create a presumption that courtesy letters sent by post are received 7 days after they are posted, but at the same time leaving it open to a person to establish, if it is the case, that a courtesy letter took longer than 7 days to reach him or her; and
- (c) to make consequential amendments to some provisions; and
- (d) to validate courtesy letters previously issued (and action subsequently taken in respect of them) to remove any doubt as to their validity.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date of assent.

Clause 3 gives effect to Schedule 1.

Schedule 1 makes the amendments to the Justices Act 1902 described above.

Background

The issue of courtesy letters under section 100J of the Justices Act 1902 forms one step in the penalty notice enforcement scheme. Penalty notices are issued for a number of minor offences created under various Acts, including the Traffic Act 1909, the National Parks and Wildlife Act 1974 and the Local Government Act 1993. The person to whom the penalty notice is directed (the defendant) has the option of paying the amount shown on the notice, electing to have the matter dealt with by a court or (in

Justices (Courtesy Letters) Amendment 1993

some cases) nominating the person who is actually liable for the alleged offence. If the defendant fails to take any of the options, a courtesy letter is issued. This acts as a reminder to the defendant that the penalty is still outstanding. The defendant is again given the opportunity to pay the amount, elect to go to court or nominate the actual offender.

If the defendant does not take any action on receiving the courtesy letter, the prosecuting authority can then enforce the penalty notice. Depending on the particular offence alleged, enforcement action may be by referral of the matter to the Roads and Traffic Authority for licence or registration cancellation or by referral to an authorised justice for the issue of an enforcement order. The issue of the courtesy letter is a prerequisite to further enforcement action being taken.

Doubts have been expressed as to whether the form of courtesy letter currently in use complies in every respect with section 100J and what the effect of any non-compliance might be. For example, the letter does not contain a warning that, if the defendant fails to pay the outstanding amount, further action may be taken to enforce the penalty notice. The letter does not contain the name and address of the person to whom the court election notice should be sent. The letter does not state that the person receiving it has 21 days from the date of service of the letter in which to pay the penalty.

Amendments

Schedule 1 (1) (a) substitutes paragraphs (a) and (b) of section 100J (1) of the Justices Act 1902.

At present, under paragraph (a) and subsection (2), a person has a further period of 21 days after the date of service of the courtesy letter in which to pay the amount of the penalty. This is replaced with a provision to the effect that a person has until a "**due date**" specified in the courtesy letter (which must not be less than 21 days after the courtesy letter is served on the person) to make the payment.

At present, under paragraph (b), a courtesy letter is required to state that, in default of payment, the person may be dealt with under Division 2 of Part 4B of the Justices Act 1902. This is to be replaced with a statement that, if 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 the payment of the penalty and additional costs.

Schedule 1 (1) (b) and (c) make consequential amendments.

Schedule 1 (1) (d) adds new subsections (7) and (8) to section 100J. Proposed subsection (7) makes it clear that the regulations may, but need not, prescribe the form of a courtesy letter. Proposed subsection (8) makes it clear that the validity of a courtesy letter is not affected by the inclusion in it of additional information and directions for the guidance of the person on whom it is served.

Schedule 1 (2) inserts a proposed new section 100JA. This section creates a presumption that a courtesy letter that is posted to a person is served on the person 7 days after the letter is posted. This will enable the insertion in a courtesy letter as the "due date" of a date that is not less than 28 days after the letter is posted. This accords more closely with current practice. The presumption created by the section is rebuttable. If a person on whom a courtesy letter is served later than 7 days after it is posted is able to prove the later service, the "due date" is postponed by operation of the proposed section until 21 days after the courtesy letter was actually served.

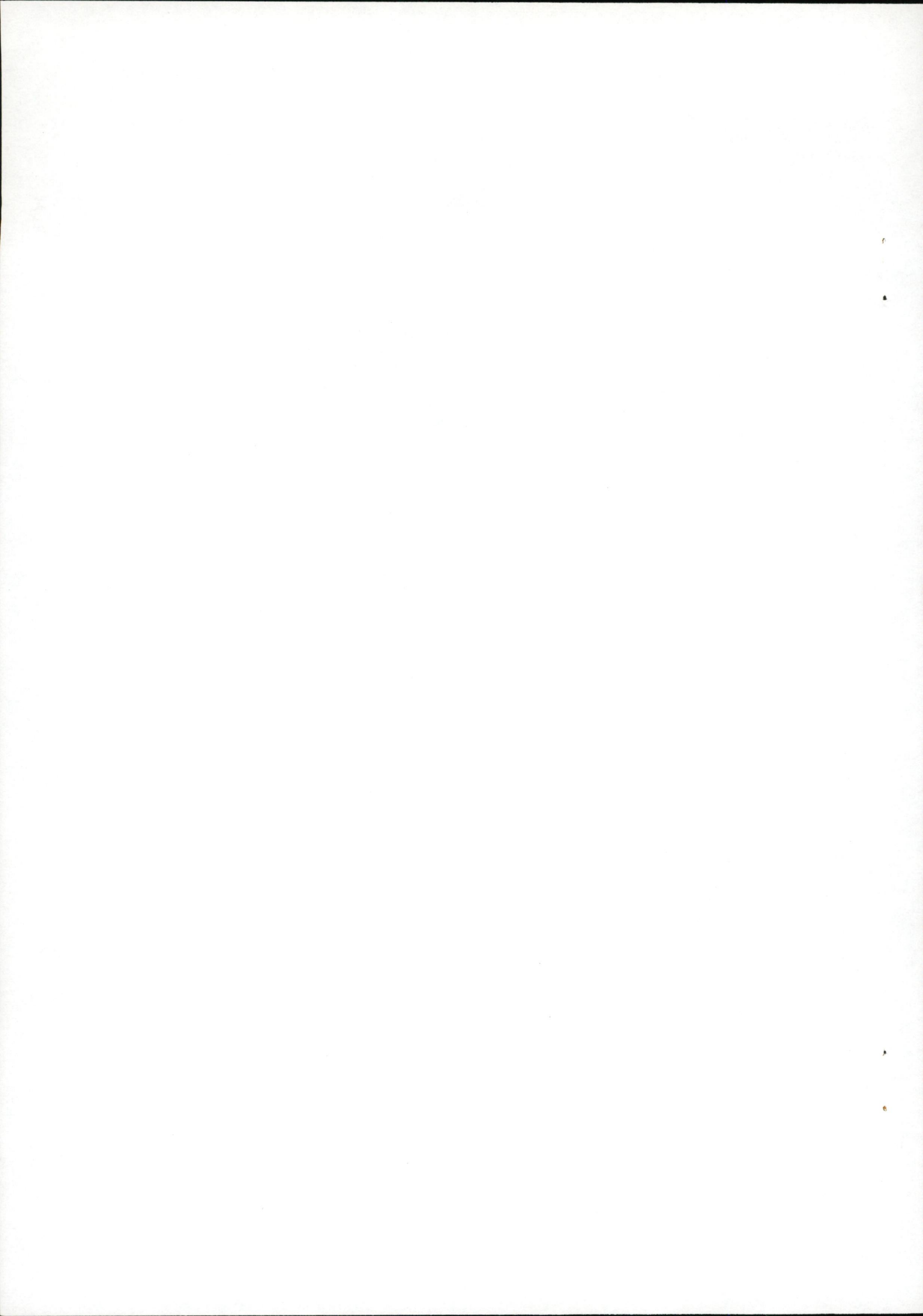
Schedule 1 (3) and (4) make consequential amendments.

Justices (Courtesy Letters) Amendment 1993

Validation

Schedule 1 (5) amends the Second Schedule—Savings, transitional and other provisions—to validate courtesy letters issued before the date of assent to the proposed Act and action subsequently taken in respect of them.

It also provides that the amendments made by the proposed Act (including the presumption as to service of a courtesy letter contained in proposed section 100JA) do not apply to a courtesy letter that is posted before the date of commencement of the proposed Act.



FIRST PRINT

JUSTICES (COURTESY LETTERS) AMENDMENT BILL 1993

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Justices Act 1902 No. 27

SCHEDULE 1—AMENDMENTS

JUSTICES (COURTESY LETTERS) AMENDMENT BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

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.

*Justices (Courtesy Letters) Amendment 1993***The Legislature of New South Wales enacts:****Short title**

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

5 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

10

(Sec. 3)

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

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

15

(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

20

(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.

25

(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”.

Justices (Courtesy Letters) Amendment 1993

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. 5
- (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: 10
- 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. 15
- (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. 20
- (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. 25
- (3) Section 100L (**Orders to enforce penalty notices**):
- Omit section 100L (1) (c), insert instead:
- (c) the due date specified in the courtesy letter has passed; 30
- (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”.

Justices (Courtesy Letters) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(5) Second Schedule (**Savings, Transitional and Other Provisions**):

At the end of the Schedule, insert:

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

Validation

10 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.

15 (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

25 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.

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

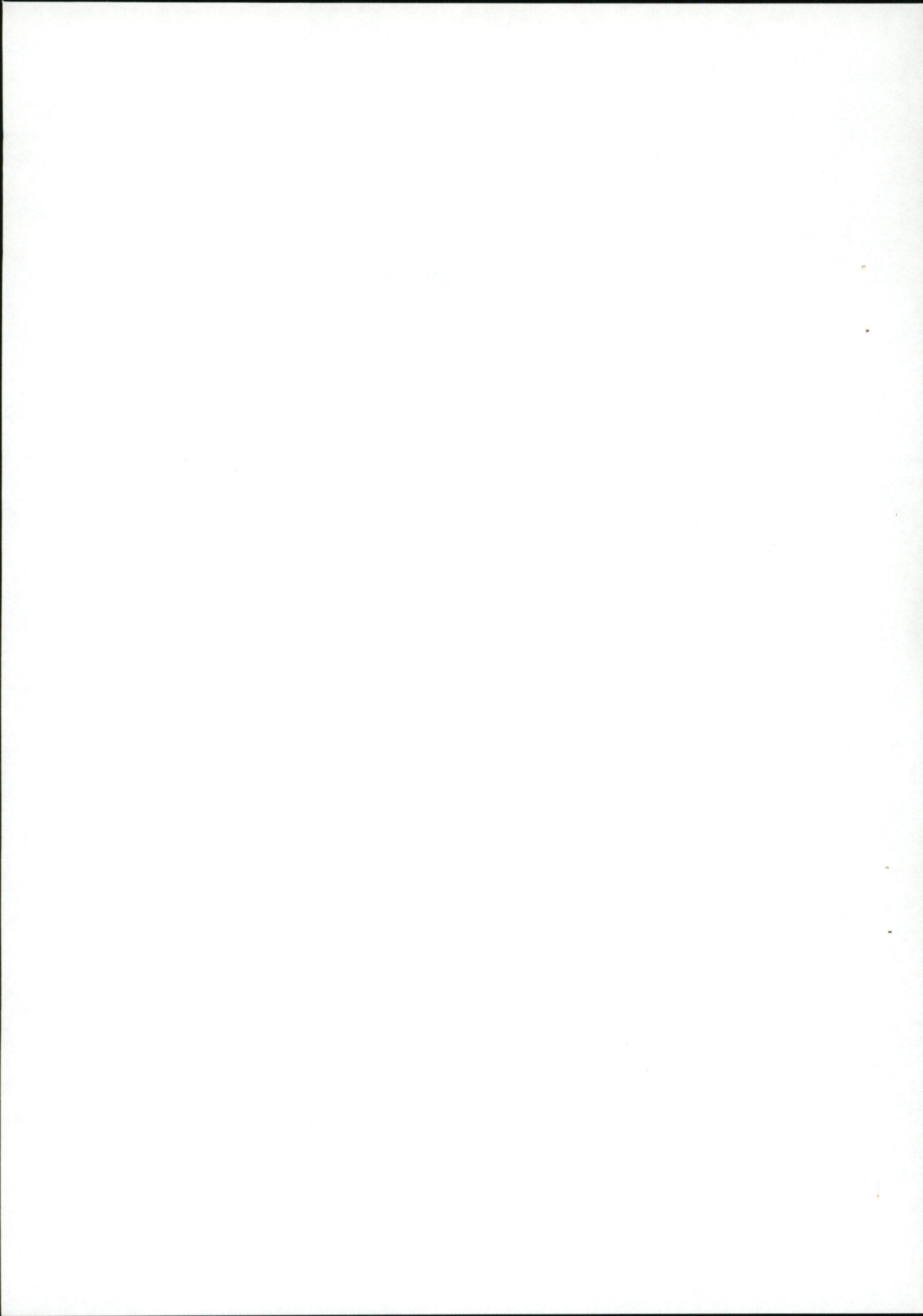
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Justices Act 1902 No. 27

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]

Justices (Courtesy Letters) Amendment Act 1993 No. 75

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 100L (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 CONSEQUENT 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*]

FIRST PRINT

JUSTICES (COURTESY LETTERS) AMENDMENT BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Justices Act 1902:

- (a) to change the requirements of section 100J of the Act as to the contents of a courtesy letter so that the Act reflects the practice that has developed with respect to courtesy letters; and
- (b) to create a presumption that courtesy letters sent by post are received 7 days after they are posted, but at the same time leaving it open to a person to establish, if it is the case, that a courtesy letter took longer than 7 days to reach him or her; and
- (c) to make consequential amendments to some provisions; and
- (d) to validate courtesy letters previously issued (and action subsequently taken in respect of them) to remove any doubt as to their validity.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date of assent.

Clause 3 gives effect to Schedule 1.

Schedule 1 makes the amendments to the Justices Act 1902 described above.

Background

The issue of courtesy letters under section 100J of the Justices Act 1902 forms one step in the penalty notice enforcement scheme. Penalty notices are issued for a number of minor offences created under various Acts, including the Traffic Act 1909, the National Parks and Wildlife Act 1974 and the Local Government Act 1993. The person to whom the penalty notice is directed (the defendant) has the option of paying the amount shown on the notice, electing to have the matter dealt with by a court or (in

Justices (Courtesy Letters) Amendment 1993

some cases) nominating the person who is actually liable for the alleged offence. If the defendant fails to take any of the options, a courtesy letter is issued. This acts as a reminder to the defendant that the penalty is still outstanding. The defendant is again given the opportunity to pay the amount, elect to go to court or nominate the actual offender.

If the defendant does not take any action on receiving the courtesy letter, the prosecuting authority can then enforce the penalty notice. Depending on the particular offence alleged, enforcement action may be by referral of the matter to the Roads and Traffic Authority for licence or registration cancellation or by referral to an authorised justice for the issue of an enforcement order. The issue of the courtesy letter is a prerequisite to further enforcement action being taken.

Doubts have been expressed as to whether the form of courtesy letter currently in use complies in every respect with section 100J and what the effect of any non-compliance might be. For example, the letter does not contain a warning that, if the defendant fails to pay the outstanding amount, further action may be taken to enforce the penalty notice. The letter does not contain the name and address of the person to whom the court election notice should be sent. The letter does not state that the person receiving it has 21 days from the date of service of the letter in which to pay the penalty.

Amendments

Schedule 1 (1) (a) substitutes paragraphs (a) and (b) of section 100J (1) of the Justices Act 1902.

At present, under paragraph (a) and subsection (2), a person has a further period of 21 days after the date of service of the courtesy letter in which to pay the amount of the penalty. This is replaced with a provision to the effect that a person has until a "**due date**" specified in the courtesy letter (which must not be less than 21 days after the courtesy letter is served on the person) to make the payment.

At present, under paragraph (b), a courtesy letter is required to state that, in default of payment, the person may be dealt with under Division 2 of Part 4B of the Justices Act 1902. This is to be replaced with a statement that, if 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 the payment of the penalty and additional costs.

Schedule 1 (1) (b) and (c) make consequential amendments.

Schedule 1 (1) (d) adds new subsections (7) and (8) to section 100J. Proposed subsection (7) makes it clear that the regulations may, but need not, prescribe the form of a courtesy letter. Proposed subsection (8) makes it clear that the validity of a courtesy letter is not affected by the inclusion in it of additional information and directions for the guidance of the person on whom it is served.

Schedule 1 (2) inserts a proposed new section 100JA. This section creates a presumption that a courtesy letter that is posted to a person is served on the person 7 days after the letter is posted. This will enable the insertion in a courtesy letter as the "due date" of a date that is not less than 28 days after the letter is posted. This accords more closely with current practice. The presumption created by the section is rebuttable. If a person on whom a courtesy letter is served later than 7 days after it is posted is able to prove the later service, the "due date" is postponed by operation of the proposed section until 21 days after the courtesy letter was actually served.

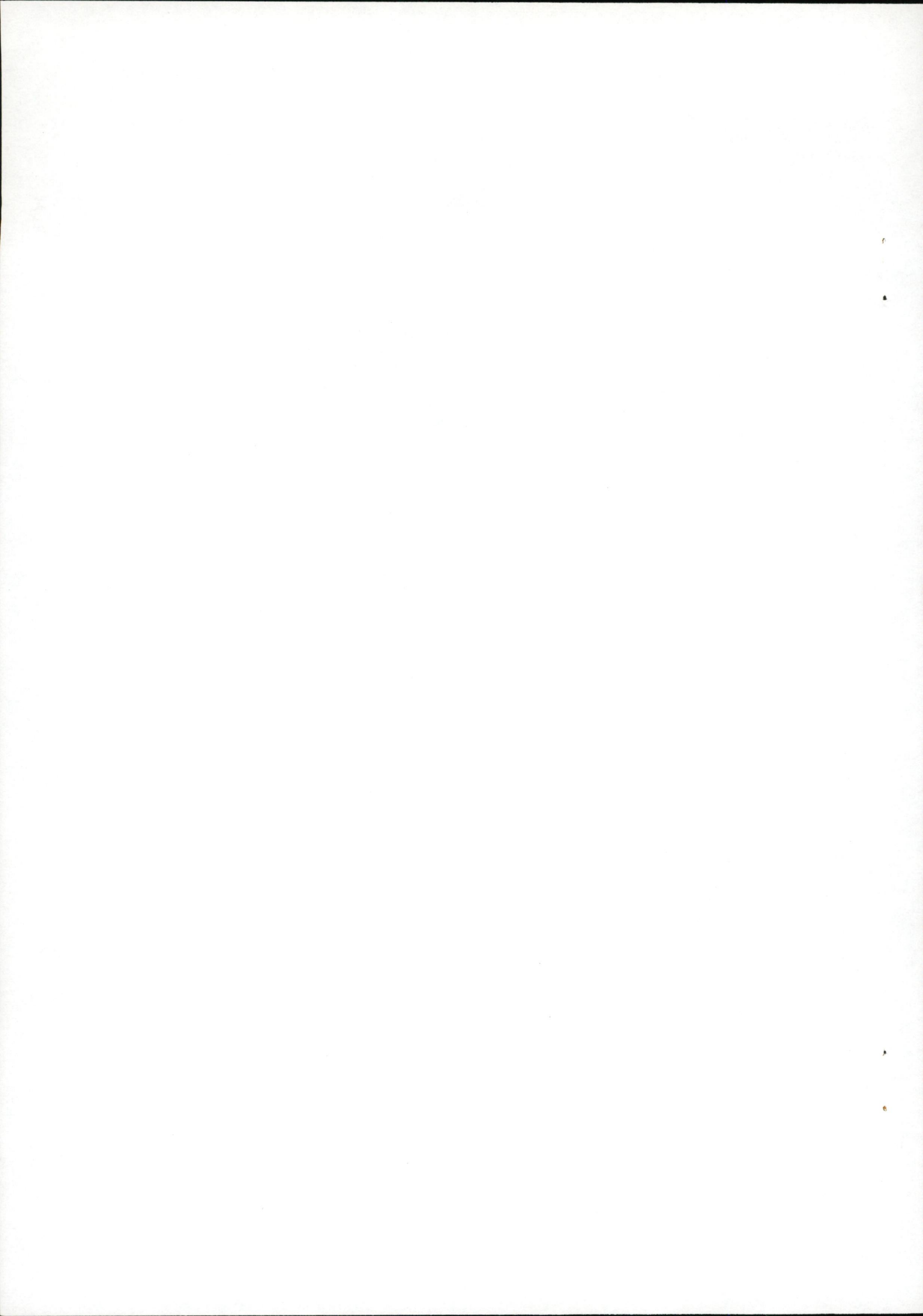
Schedule 1 (3) and (4) make consequential amendments.

Justices (Courtesy Letters) Amendment 1993

Validation

Schedule 1 (5) amends the Second Schedule—Savings, transitional and other provisions—to validate courtesy letters issued before the date of assent to the proposed Act and action subsequently taken in respect of them.

It also provides that the amendments made by the proposed Act (including the presumption as to service of a courtesy letter contained in proposed section 100JA) do not apply to a courtesy letter that is posted before the date of commencement of the proposed Act.



FIRST PRINT

JUSTICES (COURTESY LETTERS) AMENDMENT BILL 1993

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Justices Act 1902 No. 27

SCHEDULE 1—AMENDMENTS

JUSTICES (COURTESY LETTERS) AMENDMENT BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

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.

*Justices (Courtesy Letters) Amendment 1993***The Legislature of New South Wales enacts:****Short title**

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

5 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

10

(Sec. 3)

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

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

15

(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

20

(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.

25

(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”.

Justices (Courtesy Letters) Amendment 1993

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. 5
- (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: 10
- 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. 15
- (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. 20
- (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. 25
- (3) Section 100L (**Orders to enforce penalty notices**):
- Omit section 100L (1) (c), insert instead:
- (c) the due date specified in the courtesy letter has passed; 30
- (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”.

Justices (Courtesy Letters) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

- (5) Second Schedule (**Savings, Transitional and Other Provisions**):
At the end of the Schedule, insert:

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

Validation

10 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.

15 (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
20 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

25 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.

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

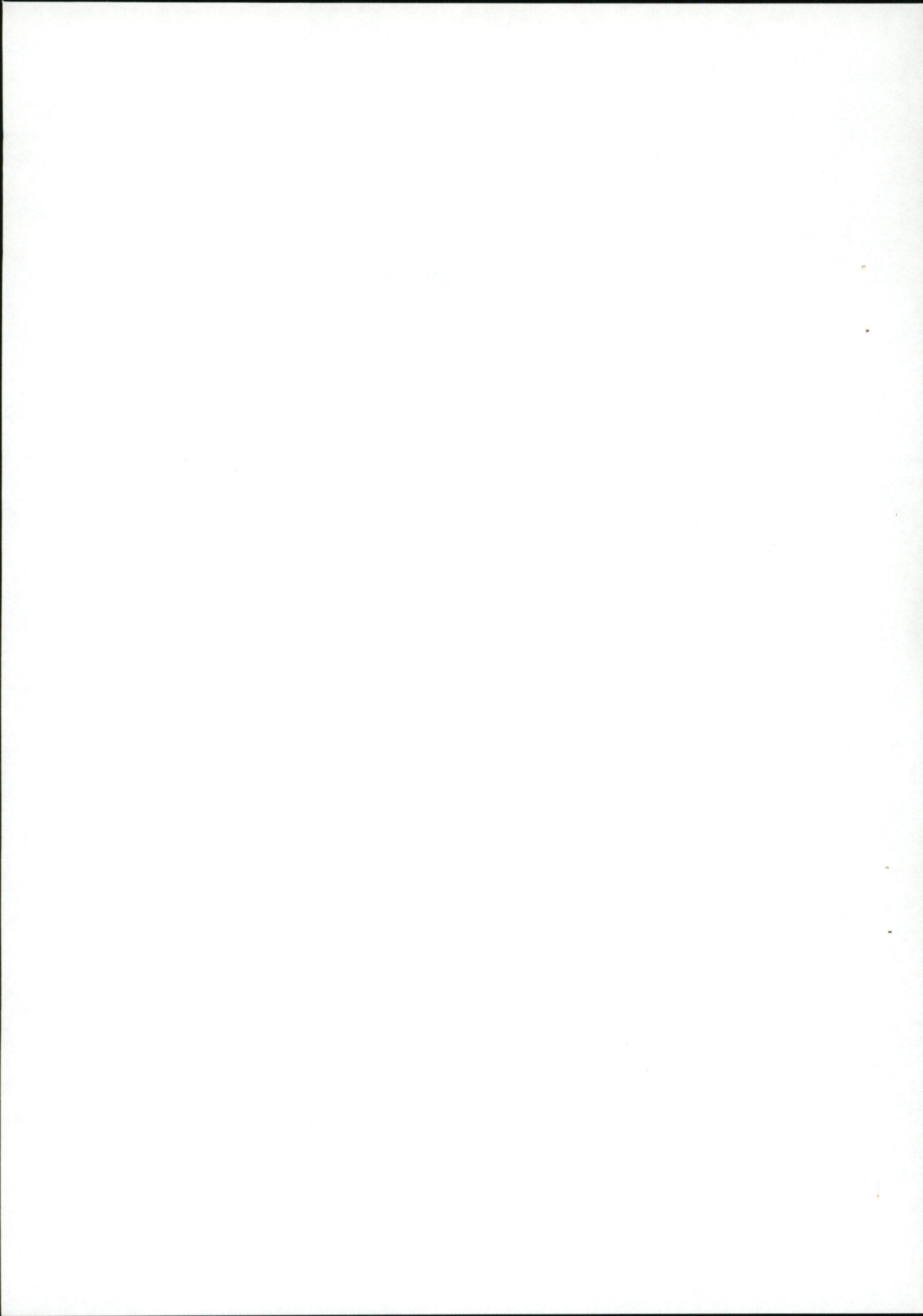
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Justices Act 1902 No. 27

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]

Justices (Courtesy Letters) Amendment Act 1993 No. 75

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 100L (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 CONSEQUENT 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*]