

**SUPREME COURT (SUMMARY JURISDICTION)
CRIMES (AMENDMENT) ACT, 1979, No. 96**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 96, 1979.

An Act to amend the Supreme Court (Summary Jurisdiction) Act, 1967, so as to abolish, consequentially upon the enactment of the Criminal Appeal (Crimes) Amendment Act, 1979, appeals to the Court of Appeal against convictions or orders made by the Supreme Court in its summary jurisdiction; and for other purposes. [Assented to, 17th May, 1979.]

Supreme Court (Summary Jurisdiction) Crimes (Amendment).

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 :—

1. This Act may be cited as the "Supreme Court (Summary Jurisdiction) Crimes (Amendment) Act, 1979". Short title.

2. (1) This section and sections 1 and 3 shall commence on the date of assent to this Act. Commencement.

(2) Section 6 shall commence on the day appointed and notified under section 2 (2) of the Bail Act, 1978.

(3) Except as provided in subsections (1) and (2), this Act shall commence on the day appointed and notified under section 2 (2) of the Crimes (Amendment) Act, 1979.

3. The Supreme Court (Summary Jurisdiction) Act, 1967, is referred to in this Act as the Principal Act. Principal Act.

4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

5. The Principal Act is amended in the manner set forth in Schedule 1. Amendment of Act No. 72, 1967.

Supreme Court (Summary Jurisdiction) Crimes (Amendment).

Amend-
ment of
Act No.
164, 1978.
Sch. 1.

6. The Supreme Court (Summary Jurisdiction) Bail (Amendment) Act, 1978, is amended by omitting Schedule 1 (4)–(8).

Amend-
ment of
Act No. 52,
1970.

7. The Supreme Court Act, 1970, is amended—

Sec. 17.
(Criminal
proceedings.)

(a) by omitting section 17 (4);

Sec. 48.
(Assign-
ment to the
Court of
Appeal.)

(b) by omitting section 48 (2) (a);

Third Sch.

(c) by omitting paragraph (k) of the Third Schedule.

Savings
and
transitional
provisions.

8. Schedule 2 has effect.

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 4 (1)—

Omit “may”, insert instead “shall”.

(2) Section 11 (2)—

At the end of section 11, insert :—

(2) Subsection (1) does not empower the Judge to order costs to be paid in proceedings for an offence referred to in section 475A (1) of the Crimes Act, 1900.

Supreme Court (Summary Jurisdiction) Crimes (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) Section 13—

After “nature” wherever occurring, insert “and whether they are either felonies or misdemeanours only or some one or more are felonies and some one or more are misdemeanours”.

(4) Section 13A—

After section 13, insert :—

13A. Nothing in this Act requires the Judge to proceed to hear and determine any case if any prescribed pre-trial procedures which are required by rules made under this Act to be completed before the trial of a case commences have not been completed. Pre-trial procedure.

(5) Section 14 (3)—

After section 14 (2), insert :—

(3) Subsection (1) does not empower the Judge to order costs to be paid in proceedings for an offence referred to in section 475A (1) of the Crimes Act, 1900.

(6) Sections 18–26, 28—

Omit the sections.

(7) Sections 28A, 28B—

Before section 29, insert :—

28A. Any proceedings in a court of petty sessions for an offence for which proceedings may be taken either under this Act or before a court of petty sessions shall be terminated upon the court of petty sessions being notified, in accordance with the rules, of the commencement of proceedings under this Act for that offence. Termination of petty sessions proceedings upon commencement of proceedings under this Act.

Supreme Court (Summary Jurisdiction) Crimes (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

Effect of
convictions
under this
Act.

28B. A conviction under this Act for an offence—

- (a) that is a felony does not affect the character of the conviction as a conviction for a felony; or
- (b) that is of a kind that may be tried either on indictment or under this Act shall be deemed for all purposes, except the Criminal Appeal Act, 1912, to be a conviction on indictment.

(8) Section 29 (2) (a1)—

After section 29 (2) (a), insert :—

- (a1) pre-trial procedures in any proceedings in the Court in the exercise of its summary jurisdiction and practice with respect thereto;

Sec. 8.

SCHEDULE 2.

SAVINGS AND TRANSITIONAL PROVISIONS.

1. In this Schedule, "appointed day" means the day appointed and notified under section 2 (2) of the Crimes (Amendment) Act, 1979.

2. The provisions of the Criminal Appeal Act, 1912, with respect to the submission of any question of law arising at or in reference to the trial and conviction of a person by the Supreme Court in its summary jurisdiction or with respect to an appeal against any conviction or order made by the Supreme Court in its summary jurisdiction apply in relation to any such trial, conviction or order held or made before the appointed day except so far as clause 3 applies with respect to any such submission or appeal.

3. (1) Any proceedings on a case stated under the Principal Act or on appeal under that Act, being proceedings the hearing of which was commenced before the Court of Appeal but which had not been completed before the appointed day, may be continued and completed in all respects as if this Act had not been enacted.

Supreme Court (Summary Jurisdiction) Crimes (Amendment)

SCHEDULE 2—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- (2) Any order or determination made by the Court of Appeal—
- (a) under the Principal Act, as in force before the appointed day; or
 - (b) pursuant to proceedings referred to in subclause (1) of this clause,
- shall, in so far as it had not been given effect to before the appointed day, be given effect to in all respects as if this Act had not been enacted.