

**COURTS LEGISLATION (CROWN APPEALS) AMENDMENT
ACT 1994 No. 56**

NEW SOUTH WALES



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Act No. 56, 1994

An Act to amend the Children (Criminal Proceedings) Act 1987 and the Justices Act 1902 to enable the Crown to appeal to the District Court in relation to penalties imposed by the Children's Court. [Assented to 28 September 1994]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Courts Legislation (Crown Appeals) Amendment Act 1994.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Children (Criminal Proceedings) Act 1987 No. 55, sec. 42

3. The Children (Criminal Proceedings) Act 1987 is amended:

- (a) by inserting before “In” in section 42 (1) the words “Subject to this Part, Part 5 of the Justices Act 1902 applies to appeals from decisions of the Children’s Court in the same way as it applies to appeals from decisions of a Local Court.”
- (b) by omitting section 42 (5).

Amendment of Justices Act 1902 No. 27, sec, 113AA

4. The Justices Act 1902 is amended:

- (a) by inserting after section 131AA (2) the following subsection:
 - (2A) Without limiting the definition of “sentence”, for the purposes of this Division a decision within the meaning of section 42 (3) of the Children (Criminal Proceedings) Act 1987 made by the Children’s Court in respect of an offence committed by a person is taken to be a sentence imposed on the conviction of the person, and the person is taken to have been convicted of the offence. This subsection does not affect the application of section 27 of the Children (Criminal Proceedings) Act 1987.
- (b) by inserting in section (3) after the matter “subsection (2)” the matter “or (2A)”.

Application of Act

5. The amendments made by this Act apply only to decisions (within the meaning of section 42 (3) of the Children (Criminal Proceedings) Act 1987) made by the Children's Court on or after the commencement of the amendments.

*[Minister's second reading speech made in—
Legislative Council on 21 April 1994
Legislative Assembly on 4 May 1994 am.]*