



New South Wales

Children's Court Regulation 2009

under the

Children's Court Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Children's Court Act 1987*.

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Attorney General

Explanatory note

The object of this Regulation is to provide that an appeal under certain Acts in relation to a decision of the Children's Court is, if the decision concerned is made by the President of that court, to be an appeal to the Supreme Court instead of to the District Court.

This Regulation is made under the *Children's Court Act 1987*, including section 22A (as inserted by Schedule 2.2 [12] to the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009*).

This Regulation comprises or relates to matters of a machinery nature.

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Children's Court Regulation 2009

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Children's Court Regulation 2009

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Children's Court Act 1987

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Children's Court Regulation 2009*.

2 Commencement

This Regulation commences on 1 June 2009 and is required to be published on the NSW legislation website.

3 Definition

In this Regulation:

the Act means the *Children's Court Act 1987*.

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Clause 4 Children's Court Regulation 2009

Part 2 Appeals in relation to decisions of Presidential Children's Court

Part 2 Appeals in relation to decisions of Presidential Children's Court

4 Definitions

In this Part, *appeal*, *decision* and *Presidential Children's Court* have the same meanings as in section 22A of the Act.

5 Appeals etc under Children and Young Persons (Care and Protection) Act 1998

- (1) An appeal or review under any of the following sections of the *Children and Young Persons (Care and Protection) Act 1998* is, if the appeal or review relates to a decision of the Presidential Children's Court, taken to be an appeal to (or a review by) the Supreme Court and is subject to any relevant rules of court applying to appeals to (or reviews by) the Supreme Court:
 - (a) section 91 (Appeals),
 - (b) section 109V (Review of bail decisions),
 - (c) section 231K (Appeals),
 - (d) section 231O (Appeals).
- (2) For the purposes of subclause (1), a reference to the District Court in section 91, 109V, 231C (1) (b), 231G (b), 231K or 231O of the *Children and Young Persons (Care and Protection) Act 1998* is to be construed as including a reference to the Supreme Court.

6 Appeals under Crimes (Appeal and Review) Act 2001

- (1) An appeal under Part 3 of the *Crimes (Appeal and Review) Act 2001* is, if the appeal relates to a decision of the Presidential Children's Court, taken to be an appeal to the Supreme Court and is subject to any relevant rules of court applying to appeals to the Supreme Court.
- (2) For the purposes of subclause (1):
 - (a) a reference in Part 3 of the *Crimes (Appeal and Review) Act 2001* to the District Court is to be construed as including a reference to the Supreme Court, and
 - (b) a reference in that Part to the proclaimed place in relation to any such appeal is to be disregarded.

7 Appeals relating to apprehended violence orders

- (1) An appeal under section 84 (2) of the *Crimes (Domestic and Personal Violence) Act 2007* is, if the appeal relates to a decision of the Presidential Children's Court, taken to be an appeal to the Supreme

Court and is subject to any relevant rules of court applying to appeals to the Supreme Court.

- (2) For the purposes of subclause (1), a reference to the District Court in section 39 (3), 40 (4), 45 (7), 75 (2), 84, 85 (3) or 93 of the *Crimes (Domestic and Personal Violence) Act 2007* is to be construed as including a reference to the Supreme Court.

8 Appeals relating to forfeiture orders under Part 7A of Bail Act 1978

- (1) An appeal under section 53N of the *Bail Act 1978* is, if the appeal relates to a decision of the Presidential Children's Court, taken to be an appeal to the Supreme Court and is subject to any relevant rules of court applying to appeals to the Supreme Court.
- (2) For the purposes of subclause (1), a reference to the District Court in section 53N of the *Bail Act 1978* is to be construed as including a reference to the Supreme Court.

9 Appeals relating to youth conduct orders

- (1) An appeal under section 48O of the *Children (Criminal Proceedings) Act 1987* (as inserted by Schedule 1 [1] to the *Children (Criminal Proceedings) Amendment (Youth Conduct Orders) Act 2008*) is, if the appeal relates to a decision of the Presidential Children's Court, taken to be an appeal to the Supreme Court and is subject to any relevant rules of court applying to appeals to the Supreme Court.
- (2) For the purposes of subclause (1), a reference to the District Court in section 48N or 48O of the *Children (Criminal Proceedings) Act 1987* is to be construed as including a reference to the Supreme Court.