

CRIMINAL APPEAL (MENTAL DISORDER) AMENDMENT BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Crimes (Mental Disorder) Amendment Bill 1989.

The object of this Bill is to amend the Criminal Appeal Act 1912 to enable an appeal to be made against a penalty imposed on, or an order made in respect of, a person who is unfit to be tried after a special hearing under the Crimes Act 1900.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be proclaimed.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Rights of appeal

Schedule 1 (1) amends section 2 (Definitions) to include, as a sentence against which an appeal can be made to the Court of Criminal Appeal, a penalty imposed on, or any other order made in respect of, a person who is unfit to be tried after a special hearing under Part 11A of the Crimes Act 1900 has found that the person committed an offence.

Schedule 1 (2) amends section 6A (Powers of court in relation to certain convictions and sentences concerning mentally ill persons) to give the Court of Criminal Appeal the same powers in an appeal against such a penalty or order as a court would have had in the original proceedings concerned.
