

SUPREME COURT (APPEALS) AMENDMENT BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Criminal Appeal (Amendment) Bill 1987 is cognate with this Bill.

At present, if an interlocutory judgment or order such as a stay of proceedings is refused in criminal proceedings in the District Court, the accused may apply to the Court of Appeal. However, the Supreme Court Act 1970 precludes any such application, and any appeal, in criminal proceedings in the Supreme Court.

The object of this Bill is to place an appeal from a judgment or order in criminal proceedings in the District Court on the same footing as a similar judgment or order in criminal proceedings in the Supreme Court. The Bill also proposes to exclude appeals to the Court of Appeal on matters arising under the Liquor Act 1982 unless the Court of Appeal gives leave.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on 18 December 1987.

Clause 3 provides for the Supreme Court Act 1970 to be amended in accordance with Schedule 1.

Schedule 1 (1) includes among the matters for which leave is required for an appeal to the Court of Appeal a judgment or order of a single judge of the Supreme Court on an appeal under section 146 of the Liquor Act 1982.

Schedule 1 (2) excludes from the jurisdiction of the Court of Appeal an application or appeal on matters arising in the criminal jurisdiction of the District Court.
