

Act 1994 No. 56

**COURTS LEGISLATION (CROWN APPEALS) AMENDMENT
BILL 1994**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is 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.

Section 27 of the Children (Criminal Proceedings) Act 1987 provides that (subject to certain qualifications) the provisions of the Justices Act 1902 relating to criminal proceedings before Magistrates and Justices apply to proceedings before the Children's Court. However, section 42 (5) presently provides that Division 4A (Appeal to the District Court by Crown) of Part 5 of the Justices Act 1902 does not apply to a decision of the Children's Court.

The amendments to the Children (Criminal Proceedings) Act 1987 remove the bar in section 42 that prevents the application of Division 4A of Part 5 of the Justices Act 1902 to decisions of the Children's Court. They also make it clear that 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 the Local Court. The amendments to the Justices Act 1902 ensure that a reference to "sentence" in Division 4A of Part 5 of that Act is read as including a decision in relation to penalties made by the Children's Court under the Children (Criminal Proceedings) Act 1987.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day to be appointed by proclamation.

Clause 3 makes the amendments to the Children (Criminal Proceedings) Act 1987 described above.

Clause 4 makes the amendments to the Justices Act 1902 described above.

Clause 5 provides that the amendments apply only to decisions made by the Children's Court on or after the commencement of the amendments.
