

Children's Court Regulation 2019

[2019-383]



New South Wales

Status Information

Currency of version

Current version for 16 August 2019 to date (accessed 7 July 2024 at 16:31)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Editorial note**

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes. Text of the legislation is not affected.

This version has been updated.

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2024

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 16 August 2019

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Children's Court Regulation 2019*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note—

This Regulation repeals and replaces the *Children's Court Regulation 2014*, which would otherwise be repealed on 1 September 2019 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation—

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

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

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 91I (Right of appeal),
 - (c) section 109V (Powers of District Court and Children's Court to hear fresh bail application),
 - (d) section 231K (Appeals),
 - (e) section 231O (Appeals).
- (2) For the purposes of subclause (1), a reference to the District Court in section 91, 91I, 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 45 (7), 84 and 85 (3) 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 Schedule 2 to *Bail Act 2013*

- (1) An appeal under clause 17 of Schedule 2 to the *Bail Act 2013* 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 clause 17 of Schedule 2 to the *Bail Act 2013* is to be construed as including a reference to the Supreme Court.
- (3) For the avoidance of doubt, clause 6 extends to appeals under Part 3 of the *Crimes (Appeal and Review) Act 2001* as applied to decisions of the Presidential Children's Court by clause 17 of Schedule 2 to the *Bail Act 2013* (as modified by this clause).

Part 3 Miscellaneous

9 Repeal and savings

- (1) The *Children's Court Regulation 2014* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Children's Court Regulation 2014*, had effect under that Regulation continues to have effect under this Regulation.