

Children's Court Regulation 2009

[2009-181]



New South Wales

Status Information

Currency of version

Repealed version for 1 July 2011 to 31 August 2014 (accessed 7 July 2024 at 22:21)

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—

- **Does not include amendments by**
[Child Protection Legislation Amendment Act 2014 No 8](#) (not commenced — to commence on 29.10.2014)
- **Repeal**
The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2014.

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 1 September 2014

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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*.

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 480 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.

Part 3 Miscellaneous

10 Savings and transitional provision—existing Children's Registrars

- (1) Section 10A (1A) of the Act, as inserted by Schedule 2.2 [7] to the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009*, does not apply in relation to a person who, immediately before the commencement of this clause, was employed as an officer under the *Public Sector Employment and Management Act 2002* in the position of Children's Registrar.
- (2) Subclause (1) does not apply in relation to any such person acting in the position of Children's Registrar.

11 Transfer of Children's Court Clinic staff to NSW Health Service

- (1) The staff of the Children's Court Clinic who are employed in the Department of Attorney General and Justice are, on the commencement of this clause, transferred to the NSW Health Service.
- (2) The terms and conditions under which any such member of staff is to be employed in the NSW Health Service are to be determined by the Director-General of the Department of Health until such time as provision is otherwise made in respect of the member of staff under the *Health Services Act 1997* or any other law.
- (3) The NSW Health Service is prescribed as a public sector agency for the purposes of clause 8 of Schedule 2 to the Act.