

CRIMINAL APPEAL (AMENDMENT) BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Director of Public Prosecutions Bill 1986.

The object of this Bill is to amend the Criminal Appeal Act 1912 so as—

- (a) to enable the Director of Public Prosecutions (as well as the Attorney General) to submit to the Court of Criminal Appeal questions of law following the acquittal of persons tried on indictment (Schedule 1 (1));
- (b) to enable appeals to be made against the staying of indictments (as well as against the quashing of indictments) (Schedule 1 (2));
- (c) to enable the Director of Public Prosecutions (as well as the Attorney General) to appeal to the Court of Criminal Appeal against the quashing or staying of indictments or against the quashing of certain applications or charges (Schedule 1 (3)); and
- (d) to enable the Director of Public Prosecutions (as well as the Attorney General) to appeal to the Court of Criminal Appeal against sentences (Schedule 1 (4)).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day or days to be appointed by the Governor-in-Council.

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

Clause 4 is a transitional provision that provides that appeals against the staying of an indictment may be brought in respect only of stays ordered after the commencement of the amendment.

Schedule 1 contains the amendments mentioned above.

CRIMINAL APPEAL (AMENDMENT) BILL 1986

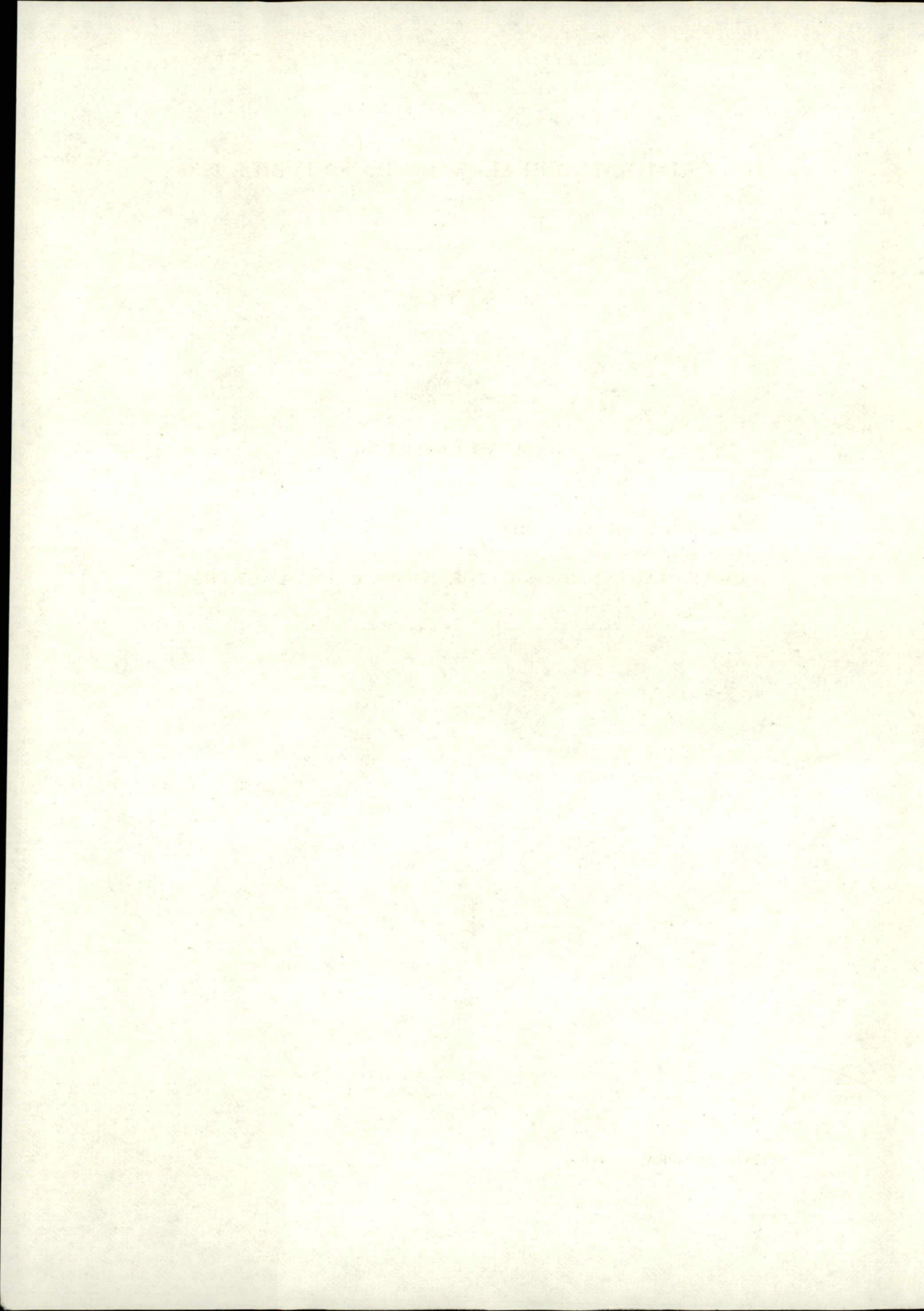
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 16, 1912
4. Transitional provision

SCHEDULE 1—AMENDMENTS TO THE CRIMINAL APPEAL ACT 1912



CRIMINAL APPEAL (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Criminal Appeal Act 1912 as a consequence of and in connection with the enactment of the Director of Public Prosecutions Act 1986; to provide an appeal to the Court of Criminal Appeal against the staying of indictments; and for other purposes.

Criminal Appeal (Amendment) 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "Criminal Appeal (Amendment) Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 16, 1912

15 3. The Criminal Appeal Act 1912 is amended in the manner set forth in Schedule 1.

Transitional provision

4. The amendment made by Schedule 1 (2) does not apply to the staying of an indictment before the commencement of that amendment.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE CRIMINAL APPEAL ACT 1912

(1) Section 5A (**Point of law stated by judge**)—

Section 5A (2)—

25 After "Attorney-General" wherever occurring, insert "or Director of Public Prosecutions".

(2) Section 5C (**Appeal against quashing or staying of an indictment**)—

After "quashed" where firstly occurring, insert "or stayed".

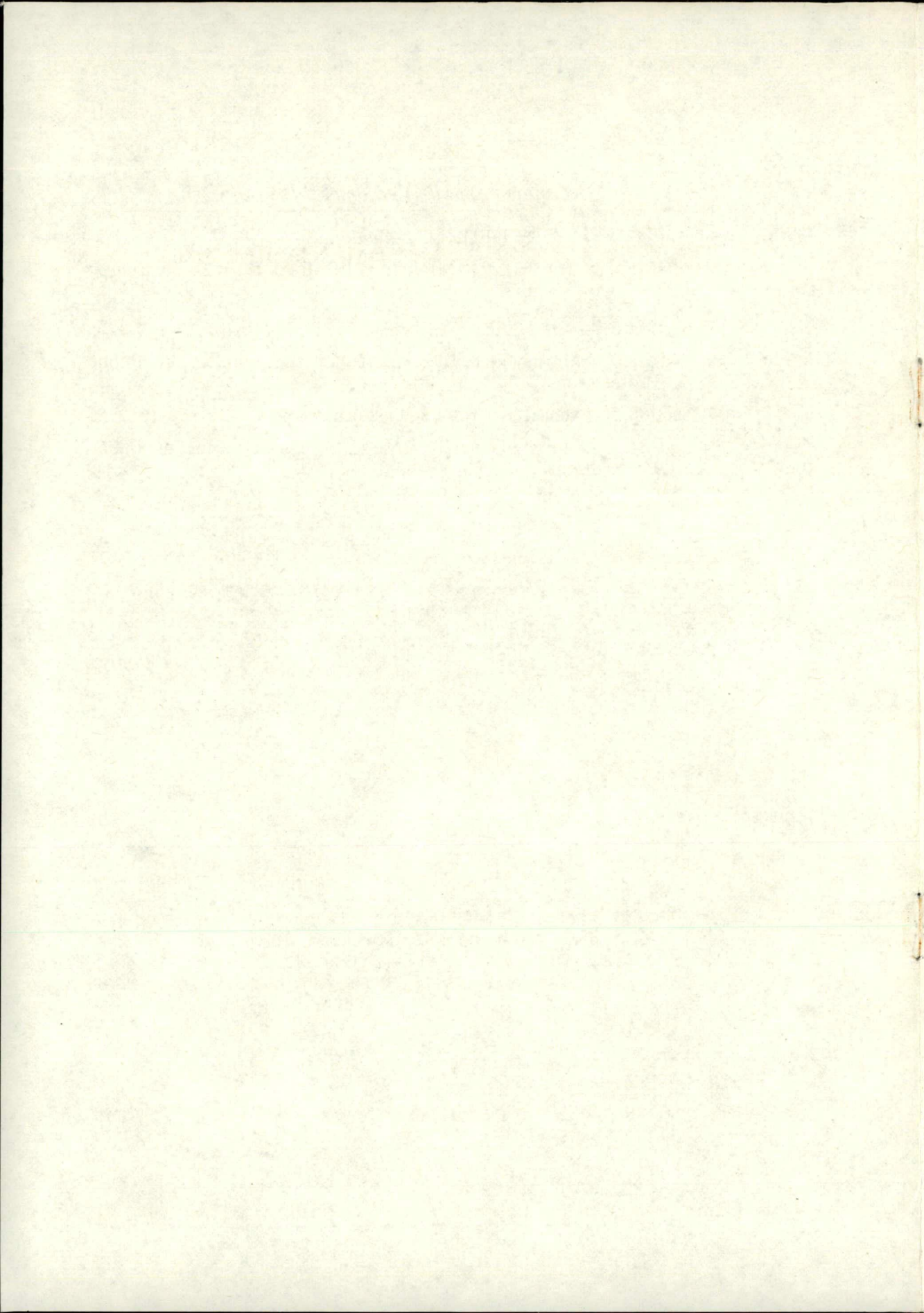
SCHEDULE 1—*continued*AMENDMENTS TO THE CRIMINAL APPEAL ACT 1912—*continued*

(3) Section 5C—

After “Attorney-General”, insert “or the Director of Public Prosecutions”.

(4) Section 5D (**Appeal by Crown against sentence**)—

5 After “Attorney-General”, insert “or the Director of Public Prosecutions”.



CRIMINAL APPEAL (AMENDMENT) ACT 1986 No. 211

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 16, 1912
4. Transitional provision

SCHEDULE 1—AMENDMENTS TO THE CRIMINAL APPEAL ACT 1912

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

TABLE OF CONTENTS

CHAPTER I. INTRODUCTION
CHAPTER II. THE THEORY OF QUANTUM MECHANICS
CHAPTER III. THE THEORY OF ATOMS
CHAPTER IV. THE THEORY OF MOLECULES
CHAPTER V. THE THEORY OF SOLIDS
CHAPTER VI. THE THEORY OF LIQUIDS
CHAPTER VII. THE THEORY OF GASES
CHAPTER VIII. THE THEORY OF PLASMAS
CHAPTER IX. THE THEORY OF SUPERCONDUCTORS
CHAPTER X. THE THEORY OF SUPERFLUIDS
CHAPTER XI. THE THEORY OF QUANTUM FIELD THEORY
CHAPTER XII. THE THEORY OF PARTICLES
CHAPTER XIII. THE THEORY OF COSMOLOGY



CRIMINAL APPEAL (AMENDMENT) ACT 1986 No. 211

NEW SOUTH WALES



Act No. 211, 1986

An Act to amend the Criminal Appeal Act 1912 as a consequence of and in connection with the enactment of the Director of Public Prosecutions Act 1986; to provide an appeal to the Court of Criminal Appeal against the staying of indictments; and for other purposes. [Assented to 23 December 1986]

Criminal Appeal (Amendment) 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Criminal Appeal (Amendment) Act 1986".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 16, 1912

3. The Criminal Appeal Act 1912 is amended in the manner set forth in Schedule 1.

Transitional provision

4. The amendment made by Schedule 1 (2) does not apply to the staying of an indictment before the commencement of that amendment.

SCHEDULE 1

(Sec. 3)

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Criminal Appeal (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE CRIMINAL APPEAL ACT 1912—*continued*

(3) Section 5C—

After “Attorney-General”, insert “or the Director of Public Prosecutions”.

(4) Section 5D (**Appeal by Crown against sentence**)—

After “Attorney-General”, insert “or the Director of Public Prosecutions”.

