

**CRIMINAL APPEAL (MENTAL DISORDER) AMENDMENT
ACT 1989 No. 102**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Criminal Appeal Act 1912 No. 16

SCHEDULE 1 - AMENDMENTS

THE STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

IN SENATE

January 1, 1912

REPORT OF THE

COMMISSIONERS

OF THE LAND OFFICE

ALBANY:
JAMES BROWN
1912

**CRIMINAL APPEAL (MENTAL DISORDER) AMENDMENT
ACT 1989 No. 102**

NEW SOUTH WALES



Act No. 102, 1989

An Act to amend the Criminal Appeal Act 1912 to give a right of appeal against a penalty imposed on, or an order made in respect of, a person who is unfit to be tried after a special hearing under the Crimes Act 1900; and for other purposes. [Assented to 15 August 1989]

Criminal Appeal (Mental Disorder) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Criminal Appeal (Mental Disorder) Amendment Act 1989.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Criminal Appeal Act 1912 No. 16

3. The Criminal Appeal Act 1912 is amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) Section 2 (**Definitions**):

At the end of section 2 (2) (a10), insert:

; or

(a11) a penalty imposed, or any order made, under section 428P (1A) of the Crimes Act 1900 in respect of a person;

(2) Section 6A (**Powers of court in relation to certain convictions and sentences concerning mentally ill persons**):

At the end of section 6A (b), insert:

; or

(c) a penalty imposed, or any order made, under section 428P (1A) of the Crimes Act 1900 in respect of a person,

[*Minister's second reading speech made in -
Legislative Assembly on 3 May 1989
Legislative Council on 1 May 1989*]

BY AUTHORITY
G. J. COSTELLOE, ACTING GOVERNMENT PRINTER - 1989

**CRIMINAL APPEAL (MENTAL DISORDER) AMENDMENT
BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Crimes (Mental Disorder) Amendment Bill 1989.

The object of this Bill is to amend the Criminal Appeal Act 1912 to enable an appeal to be made against a penalty imposed on, or an order made in respect of, a person who is unfit to be tried after a special hearing under the Crimes Act 1900.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be proclaimed.

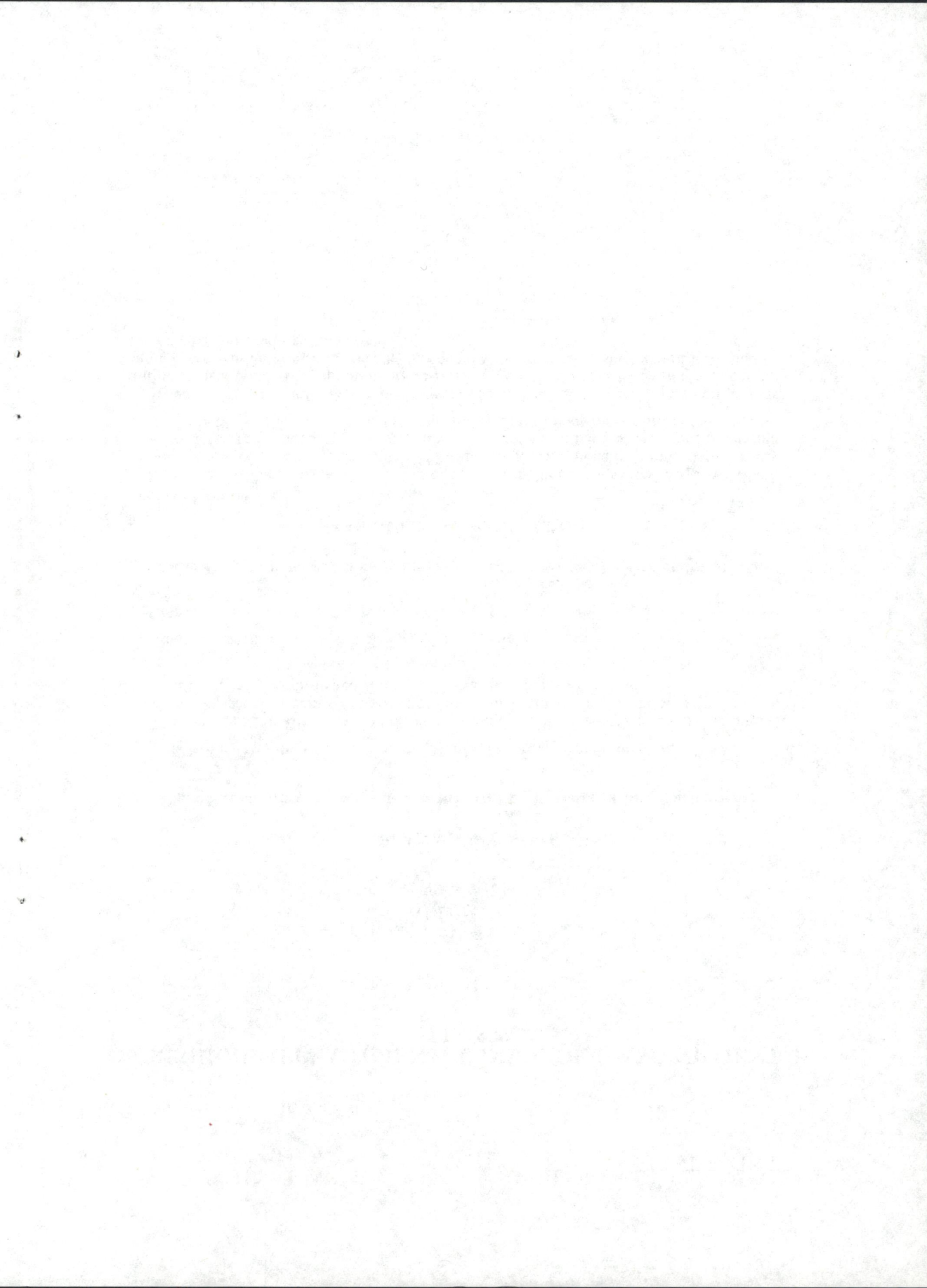
Clause 3 is a formal provision that gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Rights of appeal

Schedule 1 (1) amends section 2 (Definitions) to include, as a sentence against which an appeal can be made to the Court of Criminal Appeal, a penalty imposed on, or any other order made in respect of, a person who is unfit to be tried after a special hearing under Part 11A of the Crimes Act 1900 has found that the person committed an offence.

Schedule 1 (2) amends section 6A (Powers of court in relation to certain convictions and sentences concerning mentally ill persons) to give the Court of Criminal Appeal the same powers in an appeal against such a penalty or order as a court would have had in the original proceedings concerned.



CRIMINAL APPEAL (MENTAL DISORDER) AMENDMENT BILL 1989

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Criminal Appeal Act 1912 No. 16

SCHEDULE 1—AMENDMENTS

**CRIMINAL APPEAL (MENTAL DISORDER) AMENDMENT
BILL 1989**

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend the Criminal Appeal Act 1912 to give a right of appeal against a penalty imposed on, or an order made in respect of, a person who is unfit to be tried after a special hearing under the Crimes Act 1900; and for other purposes.

Criminal Appeal (Mental Disorder) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Criminal Appeal (Mental Disorder) Amendment Act 1989.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Criminal Appeal Act 1912 No. 16

3. The Criminal Appeal Act 1912 is amended as set out in Schedule 1.

10

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 2 (**Definitions**)—

At the end of section 2 (2) (a10), insert:

; or

15

(a11) a penalty imposed, or any order made, under section 428P (1A) of the Crimes Act 1900 in respect of a person;

(2) Section 6A (**Powers of court in relation to certain convictions and sentences concerning mentally ill persons**)—

At the end of section 6A (b), insert:

20

; or

(c) a penalty imposed, or any order made, under section 428P (1A) of the Crimes Act 1900 in respect of a person,

