

**MISCELLANEOUS ACTS (CHILDREN'S COURT AND
CRIMINAL PROCEEDINGS) AMENDMENT ACT 1987**
No. 273

NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS

**MISCELLANEOUS ACTS (CHILDREN'S COURT AND CRIMINAL
PROCEEDINGS) AMENDMENT ACT 1987 No. 273**

NEW SOUTH WALES



Act No. 273, 1987

An Act to amend various Acts as a consequence of the enactment of the Children's Court (Amendment) Act 1987 and the Children (Criminal Proceedings) Amendment Act 1987. [Assented to 16 December 1987]

*Miscellaneous Acts (Children's Court and Criminal Proceedings) Amendment
1987*

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Miscellaneous Acts (Children's Court and Criminal Proceedings) Amendment Act 1987.

Commencement

2. (1) Subject to this section, this Act shall commence on the date of assent to this Act.

(2) The provisions referred to in subsection (3), and section 3 in its application to those provisions, shall commence on—

- (a) the date of assent to this Act; or
- (b) the commencement of the Children's Court Act 1987,

whichever is the later.

(3) The provisions to which subsection (2) applies are—

- (a) item (1) of the provisions of Schedule 1 relating to the Bail Act 1978;
- (b) items (1) and (4) of the provisions of Schedule 1 relating to the Crimes Act 1900;
- (c) the provision of Schedule 1 relating to the Judicial Officers Act 1986;
- (d) item (6) of the provisions of Schedule 1 relating to the provisions of the Justices Act 1902;
- (e) the provision of Schedule 1 relating to the Local Courts Act 1982; and
- (f) the provision of Schedule 1 relating to the Statutory and Other Officers Remuneration Act 1975.

(4) Item (2) of the provisions of Schedule 1 relating to the Bail Act 1978, and section 3 in its application to that item, shall commence on—

- (a) the date of assent to this Act; or
- (b) the commencement of section 9 of the Children (Criminal Proceedings) Act 1987,

whichever is the later.

(5) Item (2) of the provisions of Schedule 1 relating to the Crimes Act 1900, and section 3 in its application to that item, shall commence on—

- (a) the date of assent to this Act; or
- (b) the commencement of section 38 of the Children (Criminal Proceedings) Act 1987,

whichever is the later.

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(6) Items (2) and (3) of the provisions of Schedule 1 relating to the Justices Act 1902, and section 3 in its application to those items, shall commence on—

- (a) the date of assent to this Act; or
 - (b) the commencement of the Children (Detention Centres) Act 1987,
- whichever is the later.

Amendments

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

Bail Act 1978 No. 161—

- (1) Section 4 (1), definition of “magistrate”—
Omit “a member of the Children’s Court”, insert instead “a Children’s Magistrate”.
- (2) Section 25 (4)—
After section 25 (3), insert:
(4) The consent of an accused person who is a child shall not be sought or given for the purposes of subsection (1) (a).

Crimes Act 1900 No. 40—

- (1) Section 340 (2)—
Omit “a member of the Children’s Court”, insert instead “a Children’s Magistrate”.
- (2) Section 353AB—
Omit “all other”, insert instead “any other prescribed”.
- (3) Section 353AB (2)—
At the end of section 353AB, insert:
(2) In this section—
“prescribed records” means records of the kind prescribed for the purposes of section 38 (1) of the Children (Criminal Proceedings) Act 1987.
- (4) Section 428v (1)—
Omit the subsection, insert instead:
(1) In this Chapter—

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SCHEDULE 1—AMENDMENTS—*continued*

“magistrate” means—

- (a) a justice or justices;
- (b) a Magistrate; or
- (c) a Children's Magistrate.

Judicial Officers Act 1986 No. 100—

Section 3 (1), definition of “Magistrate”—

Omit “special magistrate”, insert instead “Children's Magistrate”.

Justices Act 1902 No. 27—

(1) Section 100L (6)—

Omit “or the Community Welfare Act 1982”.

(2) Section 100N (2) (a)—

Omit the paragraph.

(3) Section 100N (2) (b)—

Omit the paragraph, insert instead:

- (b) a detention centre within the meaning of the Children (Detention Centres) Act 1987,

(4) Section 100U (a) (ii)—

Omit the subparagraph, insert instead:

- (ii) to have been laid at the time the certificate was produced before the authorised Justice for the purposes of section 100L; and

(5) Section 100U (b)—

Omit “or the Community Welfare Act 1982”.

(6) Section 104A (1), definition of “Magistrate”—

Omit “a member of the Children's Court”, insert instead “a Children's Magistrate”.

Local Courts Act 1982 No. 164—

Section 14 (5)—

Omit “a member of the Children's Court except with the consent of the senior member of that Court”, insert instead “a Children's Magistrate except with the consent of the Senior Children's Magistrate”.

**Miscellaneous Acts (Community Welfare) Repeal and Amendment Act 1987
No. 58—**

Schedule 3—

Omit the provisions relating to the Judicial Officers Act 1986.

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SCHEDULE 1—AMENDMENTS—*continued*

Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)—

Schedule 2, Part 1—

Omit:

Senior member of the Children's Court.

Member of the Children's Court.

Insert instead:

Senior Children's Magistrate.

Children's Magistrate.