

DRAFT NOTICE OF APPEAL

COURT DETAILS

Court	Supreme Court of New South Wales, Court of Appeal
Registry	Sydney
Case number	2025/00085681

TITLE OF PROCEEDINGS

Applicant	Director of Public Prosecutions (NSW)
Prospective respondent	PD

PROCEEDINGS IN THE COURT BELOW

Title below	PD v Director of Public Prosecutions (NSW)
Court below	Supreme Court of New South Wales
Case number below	2024/00409471
Date of hearing	4 February 2025
Material dates	4 and 6 February 2025
Decision of	Acting Justice Basten

FILING DETAILS

Filed for	Director of Public Prosecutions (NSW) [Applicant]
Filed in relation to	Whole decision below
Legal representative	Craig Hyland
Legal representative reference	202316483
Contact name and telephone	Jennifer Hoy, (02) 9285 8855
Contact email	Jhoy2@odpp.nsw.gov.au

HEARING DETAILS

This notice of appeal is listed for directions at _____.

TYPE OF APPEAL

Statutory interpretation.

DETAILS OF APPEAL

- 1 This appeal is brought under s 101(2)(r) of the *Supreme Court Act 1970* (NSW).
- 2 Leave to appeal was granted on _____.
- 3 The appellant has filed and served a notice of intention to appeal, which was served on PD on 4 March 2025.

4 The appellant appeals from the whole of the decision below.

APPEAL GROUNDS

1 The primary judge erred in concluding that the Children's Court had no power to impose an aggregate control order of three years.

ORDERS SOUGHT

- 1 Appeal allowed.
- 2 Set aside the judgment and orders of the Common Law Division in *PD v R* (Court File No 2024/00409471).
- 3 Confirm the order of the President of the Children's Court made on 18 March 2024 sentencing the respondent to an aggregate control of 3 years, with a non-parole period of 18 months, but vary that order to commence on 7 August 2023.
- 4 Such further or other orders as this Court thinks fit.
- 5 No order as to costs.

SIGNATURE OF LEGAL REPRESENTATIVE

This notice of appeal does not require a certificate under clause 4 of Schedule 2 to the [Legal Profession Uniform Law Application Act 2014](#).

I have advised the appellant[s] that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Contact solicitor, Office of the Director of Public Prosecutions (NSW)

Date of signature

5 May 2025

NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the orders sought in the notice of appeal and for the appellant's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

HOW TO RESPOND

Please read this notice of appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the notice of appeal you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the notice of appeal from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

Court forms are available on the UCPR website at www.ucprforms.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	Supreme Court of New South Wales, Court of Appeal Law Courts Building Queen's Square Level 5, 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272