

TRAD
v
THE SECRETARY, DEPARTMENT OF EDUCATION
[2024] HCASL 109
S22/2024

- 1 The applicant requires an extension of time within which to seek special leave to appeal from a judgment of the Court of Criminal Appeal of the Supreme Court of New South Wales (Ward P, Dhanji and Sweeney JJ agreeing) answering a question of law on a stated case submitted by the District Court of New South Wales (McHugh SC DCJ) pursuant to s 5B of the *Criminal Appeal Act 1912* (NSW), which concerned s 165(2) of the *Children (Education and Care Services) National Law 2010* (NSW).
- 2 Given that the Court of Criminal Appeal did not disturb the applicant's acquittal of an offence under s 165(2), there is reason to doubt the utility of an appeal. Otherwise, an appeal would have insufficient prospects of success to warrant an extension of time and a grant of special leave.
- 3 Special leave to appeal is refused. There will be no order as to costs.

Gageler CJ
Gordon J
Edelman J
Steward J
Gleeson J
Jagot J
Beech-Jones J

11 April 2024