



New South Wales

Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the following Acts in response to the decision of the New South Wales Court of Appeal in *Gamage v Riashi* [2025] NSWCA 84—

- (a) the *Criminal Procedure Act 1986*, to validate certain proceedings commenced by public officers,
- (b) the *Independent Commission Against Corruption Act 1988*, to validate the commencement of certain proceedings by officers of the Independent Commission Against Corruption,
- (c) the *Law Enforcement Conduct Commission Act 2016*, to validate the commencement of certain proceedings by officers of the Law Enforcement Conduct Commission or the former Police Integrity Commission.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Criminal Procedure Act 1986 No 209

Schedule 1 inserts a provision to clarify that if, before the commencement of the proposed Act, a person referred to in the *Criminal Procedure Act 1986*, section 3(1), definition of *public officer*,

paragraphs (a)–(f) commenced proceedings for a prosecution in the person’s role as mentioned in the relevant paragraph, the person is taken to have been acting in the person’s official capacity.

Schedule 2 Amendment of Independent Commission Against Corruption Act 1988 No 35

Schedule 2 provides that if, before the commencement of the schedule, an officer of the Independent Commission Against Corruption (*ICAC*) commenced proceedings against a person for a criminal offence against the law of the State or the Commonwealth in accordance with the written advice of the Director of Public Prosecutions, ICAC’s functions include commencing the prosecution and the commencement of the proceedings is taken to be, and to have always been, valid.

Schedule 3 Amendment of Law Enforcement Conduct Commission Act 2016 No 61

Schedule 3 provides that if, before the commencement of the schedule, an officer of the Law Enforcement Conduct Commission (*LECC*) or the former Police Integrity Commission (*PIC*) commenced proceedings against a person for a criminal offence against the law of the State or the Commonwealth in accordance with the written advice of the Director of Public Prosecutions, the functions of LECC or the former PIC include commencing the prosecution and the commencement of the proceedings is taken to be, and to have always been, valid.