



New South Wales

Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Act 2025 No 75

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Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Act 2025 No 75

Act No 75, 2025

An Act to amend the *Criminal Procedure Act 1986* to validate certain prosecutions commenced by public officers; and to amend the *Independent Commission Against Corruption Act 1988* and the *Law Enforcement Conduct Commission Act 2016* to validate certain prosecutions commenced by officers of the Independent Commission Against Corruption, the Law Enforcement Conduct Commission or former Police Integrity Commission in accordance with the written advice of the Director of Public Prosecutions. [Assented to 24 November 2025]

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Act 2025*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Criminal Procedure Act 1986 No 209

Schedule 2 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Act 2025

Commencement of proceedings by certain persons

- (1) This clause applies if, before the commencement—
- (a) a person commenced proceedings for a prosecution of another person for a criminal offence, and
 - (b) the person was, when the person commenced the proceedings, a person mentioned in a relevant provision, and
 - (c) the person purported to commence the proceedings in the person's capacity as a person mentioned in the relevant provision rather than in the person's private capacity.

Example— The proceedings related to or arose out of an investigation conducted by the agency of which the person was an officer or employee and the person commenced the proceedings in the person's capacity as an officer or employee of that agency, not in the person's capacity as a member of the community.

- (2) The person is taken to have been acting in an official capacity in commencing the proceedings.
- (3) This clause applies—
- (a) whether or not the person, or a person, agency, statutory body or other body of which the person was an officer or employee, had an express or implied function of commencing proceedings for prosecutions, other than by the operation of this clause, and
 - (b) whether the proceedings had been finalised, or were yet to be finalised, before the commencement.
- (4) In this clause—

commencement means the commencement of the *Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Act 2025*, Schedule 1.

private capacity, for a person, means acting in a personal capacity as a member of the community rather than acting in the person's capacity as a person mentioned in a relevant provision.

relevant provision means section 3(1), definition of **public officer**, paragraphs (a)–(f).

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

Schedule 4 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Act 2025

Proceedings for criminal offences

- (1) This clause applies if, before the commencement—
 - (a) an officer of the Commission commenced proceedings against a person for a criminal offence against the law of the State or the Commonwealth, and
 - (b) the commencement of the proceedings was in accordance with written advice given by the Director of Public Prosecutions.
- (2) The Commission's functions are taken to have included commencing the proceedings and the commencement of the proceedings is taken to be, and to have always been, valid.
- (3) This clause applies whether the proceedings had been finalised, or were yet to be finalised, before the commencement.
- (4) In this clause—
commencement means the commencement of the *Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Act 2025*, Schedule 2.

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

Schedule 3 Savings, transitional and other provisions

Insert at the end of the schedule, with appropriate part and clause numbering—

Part Provision consequent on enactment of Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Act 2025

Proceedings for criminal offences

- (1) This clause applies if, before the commencement—
 - (a) either of the following commenced proceedings against a person for a criminal offence against the law of the State or the Commonwealth—
 - (i) an officer of the Commission,
 - (ii) an officer of the former Police Integrity Commission, and
 - (b) the commencement of the proceedings was in accordance with written advice given by the Director of Public Prosecutions.
- (2) The functions of the Commission and former Police Integrity Commission are taken to have included commencing the proceedings and the commencement of the proceedings is taken to be, and to have always been, valid.
- (3) This clause applies whether the proceedings had been finalised, or were yet to be finalised, before the commencement.
- (4) In this clause—

commencement means the commencement of the *Criminal Procedure and Other Legislation Amendment (Criminal Proceedings) Act 2025*, Schedule 3.

former Police Integrity Commission means the Police Integrity Commission constituted under the *Police Integrity Commission Act 1996* before its repeal.

[Second reading speech made in—

Legislative Council on 23 October 2025

Legislative Assembly on 18 November 2025]