



New South Wales

# Independent Commission Against Corruption Amendment (Validation) Bill 2023

## Explanatory note

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

## Overview of Bill

The *Independent Commission Against Corruption Amendment (Validation) Act 2015* inserted a provision into the *Independent Commission Against Corruption Act 1988* to validate certain previous actions of the Independent Commission Against Corruption following the decision of the High Court in *Independent Commission Against Corruption v Cunneen* [2015] HCA 14.

The object of this Bill is to amend the *Independent Commission Against Corruption Act 1988* to provide that the validation provision does not apply in relation to a person who had proceedings pending in the Supreme Court or the Court of Appeal on 8 May 2015 relating to a finding by the Commission of corrupt conduct.

The Bill also provides that in calculating a limitation period for a proceeding brought by or on behalf of a person of that kind, the period between 8 May 2015 and the date of assent to the proposed Act is to be disregarded in the calculation of the limitation period and that the new provisions inserted by the Bill apply whether or not the person of that kind is deceased, including for a proceeding brought on behalf of a deceased person.

## 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 on the date of assent to the proposed Act.

**Clause 3** gives effect to the object of the Bill specified in the overview.



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# Independent Commission Against Corruption Amendment (Validation) Bill 2023

No. , 2023

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## **A Bill for**

An Act to amend the *Independent Commission Against Corruption Act 1988* to provide that the validation provision inserted into the Act by the *Independent Commission Against Corruption Amendment (Validation) Act 2015* does not apply in relation to persons who had pending Supreme Court proceedings challenging corruption findings; and for related purposes.

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<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Independent Commission Against Corruption Amendment (Validation) Act 2023</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Amendment of Independent Commission Against Corruption Act 1988 No 35</b>	7
<b>Schedule 4 Savings, transitional and other provisions</b>	8
Insert after clause 35—	9
<b>35A Limitation on validation provision</b>	10
(1) Clause 35 does not apply in relation to a person who had proceedings pending in the Supreme Court, including the Court of Appeal, on 8 May 2015 relating to a finding by the Commission of corrupt conduct.	11 12 13
(2) For any limitation period for a proceeding brought by or on behalf of a person specified in subclause (1) in relation to a finding of corrupt conduct, the period between 8 May 2015 and the date of assent to the <i>Independent Commission Against Corruption Amendment (Validation) Act 2023</i> is to be disregarded in the calculation of the limitation period.	14 15 16 17 18
(3) This clause applies whether or not the person specified in subclause (1) is deceased, including for a proceeding brought on behalf of a deceased person under subclause (2).	19 20 21