

LEGISLATIVE ASSEMBLY
CORRECTIONS AMENDMENT BILL 2026

(Amendments and New Clause to be moved by Mr Paul Hamer)

1. Clause 1, line 5, after "considerations" insert "and to validate certain actions taken without delegations in place between 29 April 2024 and 18 May 2026".
2. Clause 2, after line 6 insert—

"(1) Section 1, this section and section 5A come into operation on the day on which this Act receives the Royal Assent."
3. Clause 2, line 7, omit "This Act comes" and insert "(2) The remaining provisions of this Act come".
4. Clause 2, line 8, omit "it" and insert "this Act".
5. Clause 5, line 22, after "which" insert "section 5 of".
6. Clause 6, lines 26 and 27, omit "its commencement" and insert "the day on which it receives the Royal Assent".

NEW CLAUSE

7. Insert the following New Clause to follow clause 5—

'5A New section 112F inserted

After section 112E of the **Corrections Act 1986** insert—

"112F Validation—Corrections Amendment Act 2026

- (1) In this section—

Advanced Practitioner means a person employed under Part 3 of the **Public Administration Act 2004** in the Department of Justice and Community Safety in the role of Advanced Practitioner, including any person acting in or performing the duties of that office, position or role (however described);

applicable period means the period commencing on 29 April 2024 and ending on 18 May 2026, inclusive of both dates;

applicable provision means Parts 3, 3A, 3B, 3BA and 3C of the **Sentencing Act 1991** and Schedule 3 to that Act.

- (2) Every act or omission of an Advanced Practitioner in the exercise, or purported exercise, of any function, power or duty under an applicable provision during the applicable period has for all purposes, and is taken always to have had for all purposes, the same force and effect as it would

have had if the Advanced Practitioner had been validly and lawfully delegated that function, power or duty by the Secretary.

- (3) Without limiting subsection (2), an act or omission of an Advanced Practitioner in the exercise, or purported exercise, of any function, power or duty under an applicable provision during the applicable period is, for all purposes, not invalid, and is taken never to have been invalid, by reason only of the fact that the Advanced Practitioner who did that act or omission was not validly and lawfully delegated that function, power or duty by the Secretary.
- (4) Without limiting subsection (2) or (3), any act, decision, determination, judgment or order (however described) of a court in any civil proceeding or criminal proceeding, or of a tribunal in any proceeding, made pursuant to or in reliance on an act or omission of an Advanced Practitioner to which subsection (2) or (3) applies is taken to be, and to always have been, for all purposes, the same as if the act or omission of the Advanced Practitioner during the applicable period had been done under a valid and lawful delegation.
- (5) Without limiting subsection (2), (3) or (4), the rights, duties and liabilities of a person affected by any act, decision, determination, judgment or order (however described) of a court in any civil proceeding or criminal proceeding, or of a tribunal in any proceeding, made pursuant to or in reliance on an act or omission of an Advanced Practitioner to which subsection (2) or (3) applies are declared to be, and always to have been, for all purposes, the same as if the act, decision, determination, judgment or order (however described) of the court or tribunal in the proceeding had been made pursuant to or in reliance on the act or omission of the Advanced Practitioner during the applicable period done under a valid and lawful delegation.
- (6) For the purposes of a civil proceeding or a criminal proceeding before a court, the fact that, but for subsection (2), (3), (4) or (5), an Advanced Practitioner was not validly and lawfully delegated any function, power or duty in respect of an applicable provision during the applicable period is to be disregarded in determining whether evidence obtained, directly or indirectly, as a result of an act or omission ought to be admitted.
- (7) Subject to subsection (6), this section does not limit a discretion of a court to exclude evidence in a civil proceeding or a criminal proceeding.
- (8) This section does not limit a discretion of a court to stay a civil proceeding or a criminal proceeding in the interests of justice.
- (9) For the purposes of any proceeding before a tribunal (however described), the fact that, but for subsection (2), (3), (4) or (5), an Advanced Practitioner was not validly and lawfully delegated any function, power or duty in respect of an applicable provision during the applicable period is to be disregarded by the tribunal in determining whether to consider anything obtained, directly or indirectly, as a result of an act or omission.
- (10) This section affects the rights of parties in—

- (a) any civil proceeding or criminal proceeding before a court; or
- (b) any proceeding before a tribunal (however described)—
whether the proceeding—
- (c) is commenced before, on or after the commencement of section 5A
of the **Corrections Amendment Act 2026**; or
- (d) was commenced and finally determined before the commencement
of section 5A of the **Corrections Amendment Act 2026**.".‘.

AMENDMENT OF LONG TITLE

8. Long title, after "considerations" insert "and to validate certain actions taken without delegations in place between 29 April 2024 and 18 May 2026".