

Legislation Review Committee



PARLIAMENT OF  
NEW SOUTH WALES

Correspondence received in response  
to the Legislation Review Committee  
Digest No. 49 – 18 October 2022



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Dear Mr Layzell *Dave*

**Legislation Digest No. 49/57: Crimes Legislation Amendment (Coercive Control) Bill 2022**

Thank you for your letter received 19 October 2022 about the Legislation Review Committee's (the Committee) comments on the Crimes Legislation Amendment (Coercive Control) Bill 2022 (the Bill) in *Legislation Digest No. 49/57*. I thank the Committee for its careful consideration of the Bill and the opportunity to respond to two matters raised in the Digest.

*Commencement by proclamation*

I note the Committee's general preference for provisions to commence at a specified date or on assent and welcome the Committee's acknowledgement that "there may be practical reasons for imposing a flexible starting date such as allowing for training, education and implementation activities to be organised". As indicated in the Bill's second reading speech, the Bill represents landmark reform and will create a bespoke offence that shifts the lens of the criminal law from individual acts of offending to a course of continuous or repeated behaviour over time.

Implementation and training for stakeholders including the police force will be critical to the success of this legislation. That is why the Bill prescribes final dates by which provisions must be commenced by while preserving sufficient time between passage of the Bill and the commencement of the offence to ensure there is careful consideration given to implementation and that there is appropriate training, education and resourcing in place for police, judicial officers, lawyers and frontline services. The staged approach to commencement achieves an appropriate balance between flexibility to enable training and system-readiness and providing certainty for the community.

*Extraterritorial operation – elements of the offence*

I note the Committee's comments in relation to the extraterritorial application of the coercive control offence. As the Committee recognised, extraterritorial application is mitigated by the requirement that at least part of the course of conduct which constitutes the offence must have occurred in NSW.

The approach taken in drafting is consistent with existing course of conduct offences in NSW, such as the offence of persistent sexual abuse of a child which has similar extraterritorial application under the *Crimes Act 1900* section 66EA(3).

Yours sincerely



Mark Speakman

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