



Mark Speakman
Attorney General

Hon Scott Barrett MLC
Chair, Standing Committee on Social Issues
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

socialissues@parliament.nsw.gov.au

Dear Mr Barrett *Scott*

Question by Ms Boyd MLC – Crimes Legislation Amendment (Coercive Control) Bill 2022

I write to assist the Standing Committee on Social Issues (**the Committee**) in response to a question Ms Abigail Boyd MLC sought my assistance with during this morning's hearing on the Crimes Legislation Amendment (Coercive Control) Bill 2022 (**the Bill**).

During evidence given by the NSW Bar Association, Ms Boyd outlined what she described as a drafting "error" in relation to the section 2 commencement provisions that govern Schedule 2 [4] and [5].

Ms Boyd stated that "there's nothing to stop [5] being proclaimed before [4] when you go into the commencement provision".

This is incorrect.

The commencement of Schedule 2 [4] is governed by section 2(1) of the Bill. This provides that "provisions of this Act, other than Schedule 1, 2 [3] and [5], 3 and 4, commence on the earlier of the following—

- (a) 1 February 2024,
- (b) a day or days appointed by proclamation".

This means that Schedule 2 [4] must commence by 1 February 2024 *at the latest*, as if not proclaimed before 1 February 2024, it will automatically come into force on that date.

The commencement of Schedule 2 [3] and [5] is governed by section 2(3). This means that Schedule 2 [5] commences "on the earlier of the following—

- (a) 1 July 2024,
- (b) the day or days, not earlier than 1 February 2024, appointed by proclamation".

It is therefore impossible for Schedule [5] to commence before [4], as Schedule 2 [5] cannot commence before 1 February 2024.

The reason for this deliberate drafting choice, as detailed in my Second Reading Speech, was to provide the option to have staggered start dates for the amendments proposed to the civil ADVO regime and the commencement of the coercive control offence, if considered appropriate.

I trust this clarification assists the Committee's deliberations.

Yours sincerely

Mark Speakman

31 October 2022

CC: Hon Mark Buttigieg MLC, Deputy Chair
Ms Abigail Boyd MLC
Hon Aileen MacDonald MLC
Hon Shayne Mallard MLC
Rev the Hon Fred Nile MLC
Hon Peter Primrose MLC
Hon Chris Rath MLC