



Minutes of Proceedings of the Legislation Review Committee (No. 9)

8.31 am, Tuesday 22 November 2011
Room 1254
Parliament House

Members Present

Mr Bromhead (Chair), Mr Flowers, Dr Lee, Mr Moselmane, Dr Phelps and Mr Shoebridge

Apologies

Mr Edwards and Ms Mihailuk

1. Confirmation of Minutes

Resolved, on the motion of Dr Phelps:

'That the minutes of the meeting held on 8 November 2011 be confirmed.'

2. Matters arising

Resolved, on the motion of the Chair:

'That the Deputy Chair be thanked for his services during the absence of the Chair.'

3. Correspondence

Resolved, on the motion of Dr Lee:

'That the Committee endorse the draft outgoing correspondence to the Minister for Aboriginal Affairs and the Attorney General.'

4. Consideration of Bills without comment

Resolved, on the motion of Dr Lee:

'That the Committee makes no comment on the *Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011* and *Strata Legislation Amendment Bill 2011* in respect of the issues set out under section 8A(1) of the Legislation Review Act 1987.'

5. Consideration of Bills with comments

Resolved, on the motion of Dr Lee:

'That the Committee adopt the draft report on the Agricultural Tenancies Amendment Bill 2011.'

Resolved, on the motion of Dr Phelps:

'That the Committee adopt the draft report on the Coal Seam Gas Moratorium Bill 2011.'

Mr Shoebridge moved that the draft report on the *Police Amendment (Death and Disability) Bill 2011* be amended to include a paragraph, reading: "The Committee notes its concerns that the Bill retrospectively removes a right to police and replaces it with an unfettered regulation making power."

Discussion ensued.

Question put – That the proposed amendment be agreed to –
The Committee divided.

Ayes: two (Mr Shoebridge and Mr Moselmane.)

Noes: four (Mr Bromhead, Mr Flowers, Dr Lee and Dr Phelps.)
Negatived.

Resolved, on the motion of Dr Phelps:
'That the Committee adopt the draft report on the Police Amendment (Death and Disability) Bill 2011 unamended.'

6. Consideration of Regulations

Resolved, on the motion of Dr Phelps:
'That the Committee adopt the draft report on the Road Transport (Driver Licensing) Amendment (Release of Photographs to Identity Security Strike Team) Regulation 2011.'

Dr Lee moved that the draft report on the *Terrorism (Police Powers) Amendment Regulation 2011* be amended to remove "unduly" as follows:

- From paragraph 11, and from the conclusion following paragraph 12; and
- From paragraph 17, and from the conclusion following paragraph 18.

Discussion ensued.

Question put – That the proposed amendment be agreed to –
The Committee divided.

Ayes: four (Mr Bromhead, Mr Flowers, Dr Lee and Dr Phelps.)
Noes: two (Mr Shoebridge and Mr Moselmane.)
Carried.

Resolved, on the motion of Dr Lee:
'That the Committee adopt the draft report on the Terrorism (Police Powers) Amendment Regulation 2011 as amended, with Mr Shoebridge supporting the report.'

7. Consideration of Regulations without papers

Resolved, on the motion of Dr Phelps:
'That the Committee adopt the Regulations without papers.'

8. Legislation Review Digest

Resolved, on the motion of Dr Phelps,
'That the Committee adopt the draft *Legislation Review Digest 8/55* and that it be signed by the Chair and tabled in the House today.'

9. Other Business

Resolved, on the motion of Mr Flowers,
'That the Committee thank the Deputy Chair for chairing meetings in Mr Bromhead's absence.' This was resolved with acclamation.

10. Next meeting

The Committee was adjourned at 8:45am until 8:30am on 14 February 2012.