



UNCONFIRMED EXTRACTS OF MINUTES OF MEETING No 5

1:03pm, 24 September 2019

Room 1254, Parliament House

Members present

Ms Wilson (Chair, from 1:05pm), Mr Khan (Deputy Chair), Mr Evans (from 1:11pm), Ms Lindsay, Mr Mehan, Mr Moselmane, Mr Shoebridge and Mrs Williams.

Officers in attendance

Elaine Schofield, Elspeth Dyer, Talina Drabsch, Ze Nan Ma.

1. Confirmation of minutes

In the absence of the Chair, the Deputy Chair took the Chair pursuant to section 8(4) of the *Legislation Review Act 1987*.

Resolved on the motion of Mr Moselmane:

That the draft minutes of meeting no 4, held on 17 September 2019, be confirmed.

2. Correspondence

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3. Consideration of Bills with comment for Legislation Review Digest No.5/57

- *Non-Profit Bodies (Freedom to Advocate) Bill 2019*
Resolved, on the motion of Mr Mehan: That the Committee adopts the draft report regarding the *Non-Profit Bodies (Freedom to Advocate) Bill 2019*.
- *Right to Farm Bill 2019*

At 1:05pm Ms Wilson arrived and took the Chair.

Mr Shoebridge circulated proposed amendments to the draft report regarding the *Right to Farm Bill 2019*.

Mr Shoebridge moved, seconded by Mr Khan: That the words "It further notes evidence that local councils receive a number of nuisance complaints that concern compliant agricultural practices." be omitted from the comment under paragraph 9 of the draft report.

Motion agreed to.

Mr Shoebridge moved, seconded by Mr Moselmane: That the following words be added to the end of the comment under paragraph 9 of the draft report: "The Committee notes that the law of nuisance has been crafted by the common law over centuries to protect people's right to peaceful enjoyment of their property. It can and does protect people from interference in that right including by way of unwanted chemical drift, seed and pollen as well as from noxious odours entering their property. These rights to protect amenity and agricultural production through the law of nuisance are especially valuable in the interface between rural and residential land on the

fringe of cities and towns and in protecting the integrity of organic farms. These rights will be significantly reduced under this Bill".

Motion put.

The Committee divided.

Ayes: Mr Mehan, Mr Moselmane and Mr Shoebridge.

Noes: Ms Wilson, Mr Khan, Ms Lindsay and Mrs Williams.

Motion resolved in the negative.

Mr Shoebridge moved, seconded by Mr Mehan: That the following words be added to the comment under paragraph 13 of the draft report: "The Committee is concerned that the terms 'induce' and 'incite' in the new offence are of indeterminate application and may include a broad range of activities that are indirect or tangential to the alleged trespass and this would negatively impact the right to free speech especially in regards to animal welfare".

Motion put.

The Committee divided.

Ayes: Mr Mehan, Mr Moselmane and Mr Shoebridge.

Noes: Ms Wilson, Mr Khan, Ms Lindsay and Mrs Williams.

Motion resolved in the negative.

Resolved, on the motion of Mrs Williams, seconded by Mr Mehan: That the Committee adopts the draft report regarding the *Right to Farm Bill 2019*, as amended.

- *Road Transport Amendment (Miscellaneous) Bill 2019*.
Resolved, on the motion of Mr Mehan, seconded by Mr Khan: That the Committee adopts the draft report regarding the *Road Transport Amendment (Miscellaneous) Bill 2019*.

4. Legislation Review Digest No.5/57

Resolved on the motion of Mr Khan, seconded by Ms Lindsay:

- That the Committee adopts the Legislation Review Digest No. 5/57, as amended, and that it be signed by the Chair and presented to the House.
- That appropriate minute extracts of this meeting be published on the Committee's webpage.

5. Ministerial/Member Responses

Mr Evans arrived at 1:11pm.

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6. Other business

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7. Next meeting

The Committee adjourned at 1:14pm until Tuesday 15 October 2019 at 1pm.

Chair

Committee Manager