



## JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Your Ref: 32-12172  
Our Ref: 3883.04

Hon Terry Waldron MLA  
Minister for Racing and Gaming  
Level 8, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

By fax: 6552 6101

1 May 2012

Dear Minister

### *Liquor Control Amendment Regulations (No. 10) 2011*

Thank you for your letter in relation to the *Liquor Control Amendment Regulations (No. 10) 2011 (the Amendment Regulations)*, received on 23 April 2012. The Committee considered the letter and the Amendment Regulations again at its meeting on 30 April 2012 and resolved to write to you regarding the following issues.

#### *Advice from the State Solicitor's Office*

Please provide the Committee with a copy of the legal advice that you received from the State Solicitor's Office in relation to the Committee's concerns with the Amendment Regulations. The provision of this advice will enable the Committee to fully inform itself of the legal issues which you have raised.

In the alternative, the Committee requests that you arrange for direct legal advice from the State Solicitor's Office to be prepared for the Committee which addresses the original concerns with the Amendment Regulations, as set out in my letter to you of 27 March 2012.

#### *Committee's queries regarding the application of the Amendment Regulations*

The Committee notes that its initial concerns regarding the Amendment Regulations have not been adequately addressed in your response. Accordingly, the Committee seeks your response to these specific queries:

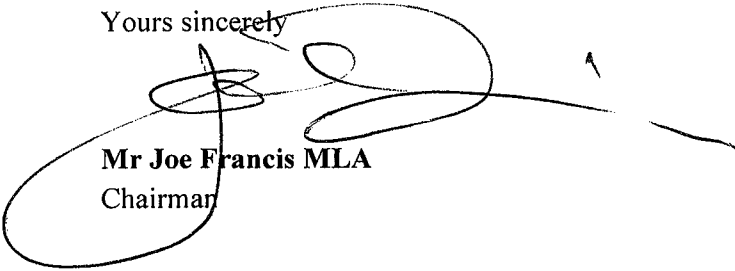
- Why are the terms 'passport', 'false', 'forged' and 'counterfeit' not defined in either the Act or the Regulations, given these have specific meanings in the field of document examination? Alternatively, are the ordinary dictionary definitions of the words intended to be applicable?
- What safeguards are in place to ensure that authorised persons deliver the Australian or foreign passport to the relevant office, following the confiscation under section 126(2a) of the Act?

- How many prosecutions have been commenced against juveniles pursuant to section 126(2) of the Act? Please provide details, if any.
- How is a prosecution under section 126(2) of the Act commenced against a juvenile when section 126(2) is only triggered when the age or identity of a suspected juvenile is in doubt?
- What information is given to a person suspected of being a juvenile who is the owner of the confiscated document to enable them to claim their document from the relevant office? Is there provision for the person suspected of being a juvenile to be given a receipt for the confiscated property?
- How will regulation 18G be implemented in regional or remote Western Australia?
  1. Are there arrangements in place to station officers from the Department of Foreign Affairs and Trade (specifically from the Perth Passports Office) in regional centres around WA to inspect suspected false, forged or counterfeit travel documents which are confiscated under regulation 18G?
  2. Alternatively, are there arrangements to transport the suspected false, forged or counterfeit documents to Perth for the assessment of the document?
  3. Who is liable for the costs of stationing the DFAT employee(s) in regional areas or for the transportation of the suspected false, forged or counterfeit travel document(s) to Perth?

Due to the timeframes set in the Legislative Council for disallowance, please provide the advice from the State Solicitor's Office and responses to these queries above by **5pm Tuesday 15 May 2012**.

If you have any queries in relation to this letter, please contact the Committee's Advisory Officer (Legal), Ms Irina Lobeto-Ortega on ph: 9222 7302, fax: 9222 7805 or via email at [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au).

Yours sincerely



**Mr Joe Francis MLA**  
Chairman