

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Fifty-second Report — “Liquor Control Amendment Regulations (No. 10) 2011” — Tabling

HON SALLY TALBOT (South West) [10.11 am]: I am directed to present for tabling the fifty-second report of the Joint Standing Committee on Delegated Legislation in relation to the Liquor Control Amendment Regulations (No. 10) 2011.

[See paper 4824.]

Hon SALLY TALBOT: On behalf of the committee I make the following comments. The committee has identified significant concerns with the legislation dealing with the confiscation of passports in the Liquor Control Act 1988 and the associated regulations. The committee has formed the view that there are sections in the act and in the regulations that are inconsistent with commonwealth statutes dealing with the same subject matter. Although outside the scope of the committee’s current inquiry, the committee takes this opportunity to bring this issue to the attention of the house and to recommend action to address this situation. The committee’s concerns relate to constitutional issues, which may mean that parts of the Liquor Control Act 1988 and the Liquor Control Regulations 1989 are invalid and should not be relied on by managers and employees of licensed premises in WA.

This report recommends that the Legislative Council selectively disallow clause 6 of the amendment regulations. The committee also recommends that the Minister for Racing and Gaming amend the original wording of the regulation that will be revived by the disallowance, as it raises the same concerns identified by the committee. The committee further recommends that the Minister for Racing and Gaming amend section 126 of the Liquor Control Act 1988 to minimise the potential for invalidity through inconsistency with the Australian Constitution.

I commend this report to the house.