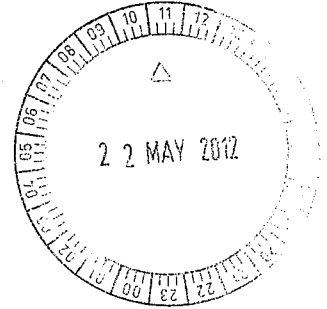




PUBLIC

Minister for Sport and Recreation; Racing and Gaming

Our Ref: 32-12453



Mr Joe Francis MLA
Chairman
Joint Standing Committee on
Delegate Legislation
Parliament House
PERTH WA 6000

Dear Mr Francis 

I refer to your letter of 1 May 2012, regarding the *Liquor Control Amendment Regulations (No10) 2011*.

The Department of Racing Gaming and Liquor has released to me the State Solicitor's Office advice regarding the seizure of passports under the *Liquor Control Act 1988*. In respecting the confidential and privileged nature of the advice, I am prepared to release it to the Committee subject to the advice not being published, re-produced, made available in any form, or form part of any report and is only used to assist the Committee in its deliberations regarding this matter.

In respect to the queries raised in your letter, I provide the following comments:

Point 1: Drafting instructions provided to the Parliamentary Counsel's Office requested appropriate provisions be drafted to specify that confiscated passports be returned to the Department of Foreign Affairs and Trade (DFAT) in which reliance on the appropriate construction of the provision remained with the drafting officer. Accordingly, as the definitions of 'passport', 'false', 'forged', and 'counterfeit' were not provided, the ordinary dictionary definitions are to be relied upon.

Point 2: No specific procedure has been put in place. However, all incidents at licensed premises must be recorded in the Incident Register in accordance with section 116A of the Act.

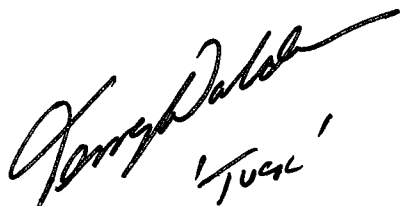
Point 3: I am unaware of any prosecutions being commenced against juveniles.

Point 4: Section 126(2) is not juvenile specific and applies to any person whether they are a juvenile or not. If an authorised person knows or suspects on reasonable grounds that a person is a juvenile, they can request the person to state their age and if the authorised person is not satisfied, they can request documentary proof. Offences occur if the person (irrespective of age) fails to comply with section 126(1) or if the person in complying with section 126(1) produces false or misleading advice/documentation.

Point 5: I am unaware of any information that may be provided to a person to enable them to claim a confiscated document from the relevant authority.

Point 6: No arrangements have been put in place in regard to the stationing of DFAT officers in regional areas nor for the transportation of suspected false, forfeited or counterfeit documents to Perth.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Terry Waldron' with a flourish above it. Below the signature, the word 'Terry' is written in a smaller, simpler script.

**HON TERRY WALDRON MLA
MINISTER FOR RACING AND GAMING**

15 MAY 2012