

Senate Community Affairs Legislation Committee

Inquiry into Welfare Reform and Reinstatement of the Racial Discrimination Act

Canberra Hearing, Thursday 4 February 2010

ANSWERS TO QUESTIONS ON NOTICE

Question No: WR9

Topic: Police powers to enter a house in search of alcohol or under the presumption that somebody in the house was breaking the alcohol provisions.

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Senator Moore (Chair) asked:

You said that that would only occur now if there was a request by someone in the community. We have had this discussion in previous hearings. Under the new process, could one person in the community cause that to happen throughout the whole community?

... if someone makes an objection and wants it brought back, and you go through the process and a decision is made to do so, could one person from the community say, 'We don't want it'?

Answer:

Yes. The Bill does not provide an express power to revoke a section 18 determination. However, the power to make a section 18 determination would be construed to include a power to revoke such a determination (section 33 of the *Acts Interpretation Act 1901*). Accordingly, the Minister could revoke a section 18 determination made under the proposed legislation if requested to do so by a resident of the prescribed area, and following consultation as prescribed in section 18 and having regard to the criteria prescribed in that section.

These criteria include the wellbeing of people in the prescribed area, evidence about levels of alcohol-related harm, and consideration of the views of people in the prescribed area.