

Dissenting report from Government Senators

1.1 Due to other Senate Committee commitments Government Senators were unable to participate in this Inquiry.

1.2 Government members question how this subject is a matter for the Legal and Constitutional Affairs Committee which, by its charter, deals with legal and constitutional issues, and matters for which the Attorney-General's Department and the Department of Immigration and Border Protection have responsibility. An Inquiry into alcohol consumption and its correlation to anti-social behaviour would find a more appropriate home with the Community Affairs References Committee.

1.3 Government Senators note that the report of the majority correctly identifies at paragraph 6.2 that the regulation of alcoholic beverages is within the purview of State and Territory governments, not the Commonwealth. Government Senators further note that Chapter 4 of the majority report details at some length the fact that it is State and Territory governments who are responsible for the common law relating to aberrant and anti-social behaviours.

1.4 The majority Committee report's single recommendation is that, due to the incomplete nature of the Inquiry, this same Inquiry subject be referred to the Legal and Constitutional Affairs References Committee in the 45th parliament. Government Senators disagree with this recommendation and instead recommend that the Inquiry be abandoned completely and indefinitely. The parliamentary committee process has limited time and limited resources during each parliamentary term, and the investigation of matters from outside the Commonwealth jurisdiction should be considered reckless and irresponsible. Government Senators do not believe that it is the purpose of Senate Committees to conduct politically opportunistic inquiries into matters subjected to fulsome investigation in other jurisdictions.

Senator the Hon Ian Macdonald
Deputy Chair

Senator Dean Smith
Senator for Western Australia

