

Queensland



Explanatory Notes for SL 2003 No. 240

Liquor Act 1992

LIQUOR AMENDMENT REGULATION (No. 5) 2003

Short title

Liquor Amendment Regulation (No. 5) 2003

Authorising Law

Sections 173G and 173H of the *Liquor Act 1992* ("the Act").

Objectives of the legislation

The objective of the regulation is to prescribe a restricted area for the carriage of liquor in public places to minimise harm caused by alcohol abuse and misuse and associated violence, and alcohol related disturbances or public disorder in a locality.

Reasons for the subordinate legislation

The regulation is required to support a community driven strategy to reduce the incidents of alcohol related disturbances, public disorder and alcohol abuse within the Shire of Mornington (the Shire).

Consistency with authorising law

The Act under Part 6A provides for an area to be declared under a regulation as a restricted area. Section 168B of the Act creates an offence regarding the carriage of more than the allowable amount of liquor in public places within the restricted area.

Estimated cost of government implementation

Any expenditure associated with the implementation of the regulation will be met through existing budget allocations.

Fundamental legislative principles

The proposed regulation is consistent with fundamental legislative principles.

Consultation**(a) Community**

The community justice group for the Indigenous community of the Shire have recommended alcohol limits as part of their community alcohol management strategies.

(b) Government

The Departments of the Premier and Cabinet, Industrial Relations, Aboriginal and Torres Strait Islander Policy, State Development and Primary Industries and Queensland Treasury and the Queensland Police Service were consulted in relation to the proposed regulation.

The Office of Parliamentary Counsel has drafted the regulation.

Results of consultation

There is agreement about the declaration of the restricted area. The restricted area is consistent with the recommendations of the Community Justice Group for the Shire.

NOTES ON PROVISIONS

Section 37A of the *Liquor Regulation 2002* (the Regulation) provides that the area of the restricted area is that which is stated in the relevant schedule to the Regulation.

Section 37B provides that the prescribed quantity of liquor for a restricted area is that which is stated in the relevant schedule to the

Regulation. The offence provisions contained in section 168B of the Act, will apply to the carriage of more than the prescribed amount of liquor within the restricted area.

Schedule 1I of the Regulation details the extent of the restricted area for the Shire of Mornington. The area is to include the whole of the Shire. The prescribed quantity of liquor other than at *Lelka Murrin Pub* and the *Birri Fishing Lodge* is zero. The prescribed quantity of liquor at the *Lelka Murrin Pub* is restricted to beer in any quantity, in which the concentration of alcohol is no more than 4% of the beverage, for wine and spirits zero. The prescribed quantity of liquor at the *Birri Fishing Lodge* is restricted to beer and spirits in any quantity and for wine no more than 750 millilitres.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Tourism, Racing and Fair Trading.