

Queensland



Explanatory Notes for SL 2003 No. 380

Liquor Act 1992

LIQUOR AMENDMENT REGULATION (No. 7) 2003

Short title

Liquor Amendment Regulation (No. 7) 2003 (the Amendment Regulation).

Authorising Law

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

Objectives of the legislation

The objective of Part 6A of the Liquor Act is to minimise harm caused by alcohol abuse and misuse and associated violence, and alcohol related disturbances or public disorder in Indigenous communities. Part 6A provides for the declaration of restricted areas and the establishment of liquor possession limits in restricted areas.

Reasons for the subordinate legislation

The Amendment Regulation will declare restricted areas for the communities of Bamaga, Injinoo, New Mapoon, Seisia and Umagico located in the Northern Peninsula Area (NPA) of Cape York. The Amendment Regulation is based on the recommendations of the NPA community justice groups.

Consistency with authorising law

The Amendment Regulation is consistent with Part 6A of the Liquor Act which provides in Section 173G for an area to be declared under a regulation as a 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 groups for the Indigenous communities of Bamaga, Injinoo, New Mapoon, Seisia and Umagico have recommended alcohol limits as part of their community's alcohol management strategies.

(b) Government

The Department of Aboriginal and Torres Strait Islander Policy 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

The proposed restrictions do differ from the recommendations of the justice group's. The recommended carriage limit contained in the alcohol management plans has been reviewed and it is recommended that the AMPs recommendations not be adopted and that the reduced carriage limits proposed in this submission be approved. The revised carriage

limits will ensure that the harm minimisation objectives are met and will be consistent with the rest of Cape York.

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 1K of the Regulation details the extent of the restricted area for the Bamaga community. The area is to include the community area. The prescribed quantity of liquor is 9 litres of beer light or mid strength, and 2 litres of wine (not including fortified wine).

The prescribed quantity of liquor at the Bamaga Tavern is restricted to light or mid strength beer or wine in any quantity (not including fortified wine), for other liquor – zero.

The prescribed quantity of liquor at the Resort Bamaga is restricted to beer, wine and spirits any quantity, for other liquor – zero.

Schedule 1L of the Regulation details the extent of the restricted area for the Injinoo community. The area is to include the community area. The prescribed quantity of liquor is 9 litres of beer light or mid strength, and 2 litres of wine (not including fortified wine).

Schedule 1M of the Regulation details the extent of the restricted area for the New Mapoon community. The area is to include the community area. The prescribed quantity of liquor is 9 litres of beer light or mid strength, and 2 litres of wine (not including fortified wine).

Schedule 1N of the Regulation details the extent of the restricted area for the Seisia community. The area is to include the community area. The prescribed quantity of liquor is 9 litres of beer light or mid strength, and 2 litres of wine (not including fortified wine).

Schedule 1O of the Regulation details the extent of the restricted area for the Umagico community. The area is to include the community area. The prescribed quantity of liquor is 9 litres of beer light or mid strength, and 2 litres of wine (not including fortified wine).

The prescribed quantity of liquor at the Umagico Canteen is restricted to light or mid strength beer or wine in any quantity (not including fortified wine), for other liquor – zero.

ENDNOTES

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