



Queensland

Liquor Amendment Regulation (No. 1) 2007

Explanatory Notes for SL 2007 No. 58

made under the

Liquor Act 1992

Short title

Liquor Amendment Regulation (the Amendment Regulation)

Authorising Law

Sections 173G, 173H and 235 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 amend the currently declared restricted area for the Pormpuraaw community by reducing the prescribed carriage limit. The Amendment Regulation is based on the recommendations of the inter-agency Alcohol Management Program Steering Committee resulting from a review of the alcohol restrictions in Pormpuraaw and feedback

received from the Pormpuraaw Community Justice Group and Aboriginal Shire Council.

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

Following Cabinet endorsement on 6 March 2006 (Decision No. 6371), the former Department of Aboriginal and Torres Strait Islander Policy consulted with the Pormpuraaw community and requested feedback. Following reported high levels of alcohol related violence in the community in late 2006, the Liquor Licensing Division of the Department of Tourism, Fair Trading and Wine Industry Development again consulted with the Pormpuraaw community in relation to the alcohol restrictions, including the Pormpuraaw Aboriginal Shire Council, Pormpuraaw Community Justice Group, Pormpur Paanth Aboriginal Corporation and other key community stakeholders.

(b) Government

The Department of the Premier and Cabinet, the Department of Communities (Office of Aboriginal and Torres Strait Islander Partnerships) 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

(a) Community

In March 2006, the Pormpuraaw community was consulted and provided both positive and negative feedback on the proposed amendment of their restricted area. In 2006, the reported levels of alcohol-related violence increased significantly compared to the previous year. In March 2007, the community was again consulted on the recommendations and provided general acceptance of the reduction. However, there were divergent views on how much the carriage limit should be reduced. The community requested Government continue to monitor the situation in the community and to re-evaluate the carriage limit when circumstances improve.

(b) Government

The proposed amendment has been endorsed by all Government stakeholders.

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 of the Regulation provides that the prescribed quantity of liquor for a restricted area is that which is stated in the relevant schedule. The offence provisions contained in section 168B of the Liquor Act, will apply to the carriage of more than the prescribed amount of liquor within the restricted area.

Schedule 1H (Pormpuraaw) of the Regulation provides for the Pormpuraaw restricted area. The Amendment Regulation amends the prescribed quantity of liquor for the restricted area to 2.25 litres of low or medium strength beer, other than at the Edward River Canteen.

The prescribed quantity of liquor for the Edward River Canteen will remain at its current limit.

ENDNOTES

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