

Queensland



Explanatory Notes for SL 2003 No. 304

Liquor Act 1992

LIQUOR AMENDMENT REGULATION (No. 6) 2003

Short title

Liquor Amendment Regulation (No. 6) 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 a restricted area for the community of Yarrabah. The Amendment Regulation is based on the recommendations of the Yarrabah community justice group.

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 group for the Indigenous community of Yarrabah have recommended alcohol limits as part of their community 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

There is agreement about the declaration of the restricted area. The restricted area is substantially in accordance with the recommendations of the community justice group for the Yarrabah community. The points of divergence involve the community justice group recommendations that are beyond the provisions of Part 6A of the Liquor Act.

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 11 of the Regulation details the extent of the restricted area for the Yarrabah community. The area is to include the community area. The prescribed quantity of liquor other than at the Yarrabah canteen is as follows:

- nine (9) litres of beer, any strength; or
- nine (9) litres of spirits mixed with a beverage in which the concentration of alcohol does not exceed 5.5%: or
- two (2) litres of wine; or
- a combination of beer and spirits mixed with a beverage in which the concentration of alcohol does not exceed 5.5% - 9 litres.

The prescribed quantity of liquor at the Yarrabah canteen is restricted to beer or wine in any quantity, a spirit mixed with a beverage in which the concentration of alcohol is no more than 5.5% in any quantity and for other spirits – zero.

To complement the Amendment Regulation, licensed premises in the Yarrabah community and in surrounding communities will have licence conditions imposed. The conditions, to be imposed under Section 111 of the Liquor Act, restrict the amount and type of liquor able to be sold, the hours within which liquor may be sold and provide for responsible hospitality practices.

ENDNOTES

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

© State of Queensland 2003