



Queensland

Liquor Amendment Regulation (No. 3) 2006

Explanatory Notes for SL 2006 No. 67

made under the
Liquor Act 1992

1 Short title

Liquor Amendment Regulation (No. 3) 2006 (the Amendment Regulation)

2 Authorising Law

Sections 173G, 173H and 235 of the *Liquor Act 1992* (the Liquor Act).

3 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.

4 Reasons for the subordinate legislation

The Amendment Regulation will amend the currently declared restricted area for the Mapoon community. 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 Aurukun, Napranum, Doomadgee, Mornington and Mapoon and feedback

received from the community justice groups and councils of these communities.

The Amendment Regulation will also make technical amendments to extend the restricted area boundaries for communities affected by tidal waters. The amendments will ensure that the land between the high and low water mark is included within the relevant restricted areas, enabling effective enforcement. Further, the Amendment Regulation will amend the description of liquor where the amount of liquor able to be possessed is zero and will include the Three Rivers Tavern in the Aurukun restricted area and the Napranum Tavern in the Napranum restricted area.

5 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.

6 Estimated cost of government implementation

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

7 Fundamental legislative principles

The proposed regulation is consistent with fundamental legislative principles.

8 Consultation

(a) Community

The community justice group and council for the Indigenous community of Mapoon have recommended alcohol limits as part of their response to the review of current alcohol restrictions and have endorsed the proposed amendment to their restricted area.

(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.

9 Results of consultation

Mapoon

The proposed alcohol restrictions do differ from the initial recommendations of the community justice group and council. The Mapoon community recommended the carriage limit be for each person in a vehicle. However, this is not able to be implemented under the provisions section 168B 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 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 1A (Aurukun) of the Regulation provides for the Aurukun restricted area. The Amendment Regulation includes the Aurukun Three Rivers Tavern and all foreshores in the Aurukun restricted area. It also amends the description of types of liquor that have a zero carriage limit.

Schedule 1C (Napranum) of the Regulation provides for the Napranum restricted area. The Amendment Regulation includes the Napranum Tavern and all foreshores in the Napranum restricted area. It also amends the description of types of liquor that have a zero carriage limit.

Schedule 1D (Lockhart River) of the Regulation provides for the Lockhart River restricted area. The Amendment Regulation includes all foreshores in the Lockhart River restricted area and amends the description of types of liquor that have a zero carriage limit.

Schedule 1E (Woorabinda) of the Regulation provides for the Woorabinda restricted area. The Amendment Regulation amends the description of types of liquor that have a zero carriage limit.

Schedule 1F (Wujal Wujal) of the Regulation provides for the Wujal Wujal restricted area. The Amendment Regulation includes all foreshores in the Wujal Wujal restricted area.

Schedule 1G (Kowanyama) of the Regulation provides for the Kowanyama restricted area. The Amendment Regulation includes all foreshores in the

Kowanyama restricted area and amends the description of types of liquor at the canteen that have a zero prescribed quantity.

Schedule 1H (Pormpuraaw) of the Regulation provides for the Pormpuraaw restricted area. The Amendment Regulation includes all foreshores in the Pormpuraaw restricted area and amends the description of types of liquor that have a zero carriage limit.

Schedule 1I (Mornington) of the Regulation provides for the Mornington restricted area. The Amendment Regulation includes all foreshores in the Mornington restricted area and amends the description of types of liquor that have a zero carriage limit.

Schedule 1J (Yarrabah) of the Regulation provides for the Yarrabah restricted area. The Amendment Regulation includes all foreshores in the Yarrabah restricted area.

Schedule 1L (Injinoo) of the Regulation provides for the Injinoo restricted area. The Amendment Regulation includes all foreshores in the Injinoo restricted area.

Schedule 1M (New Mapoon) of the Regulation provides for the New Mapoon restricted area. The Amendment Regulation includes all foreshores in the New Mapoon restricted area.

Schedule 1N (Seisia) of the Regulation provides for the Seisia restricted area. The Amendment Regulation includes all foreshores in the Seisia restricted area.

Schedule 1O (Umagico) of the Regulation provides for the Umagico restricted area. The Amendment Regulation includes all foreshores in the Umagico restricted area.

Schedule 1P (Hope Vale) of the Regulation provides for the Hope Vale restricted area. The Amendment Regulation includes all foreshores in the Hope Vale restricted area.

Schedule 1Q (Mapoon) of the Regulation provides for the Mapoon restricted area. The Amendment Regulation increases the prescribed quantity of liquor to 22.50 litres of light or mid strength beer and 9 litres of pre-mixed spirits and 2 litres of wine, excluding fortified wine for the restricted area. It also includes all the foreshores in the restricted area.

Schedule 2 (Dictionary) of the Regulation provides for definitions used in the Regulation. The Amendment Regulation inserts a definition of 'foreshore' in the dictionary. A foreshore is described as land adjacent to the boundary of the area formed by waters that are subject to tidal influence

and lies between the high-water mark and low-water mark at ordinary spring tides.

ENDNOTES

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