



Queensland

Liquor Amendment Regulation (No. 4) 2006

Explanatory Notes for SL 2006 No. 79

made under the

Liquor Act 1992

1 Short title

Liquor Amendment Regulation (No. 4) 2006 (the Amendment Regulation)

2 Authorising Law

Sections 173G and 173H 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 declare a restricted area for the community of Palm Island. The Amendment Regulation is based on the recommendations of the Palm Island Community Justice Group (CJG) and Palm Island Shire Council (Council).

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 Amendment 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 CJG and Council for the Indigenous community of Palm Island 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 Amendment Regulation.

The Office of Queensland Parliamentary Counsel has drafted the Amendment Regulation.

9 Results of consultation

The proposed alcohol restrictions do differ from the recommendations of the CJG and Council. There is ongoing division within the CJG and between the CJG and the Council. This division has inhibited community agreement on an Alcohol Management Plan (AMP). Subsequently, the Government developed an AMP based on a compromise between the four separate AMPs that have previously been presented to Government by the CJG and the Council.

On 19 January 2005, the Government presented a draft AMP to the Council and CJG for consideration and comment by 7 February 2005.

On 3 February 2005, Government received correspondence from the Mayor of the Council accompanied by 22 completed survey forms. The Council feedback did not comment on the detail of the proposed AMP. However the Council did state that the AMP would not be successful without appropriate support structures. No other formal feedback has been received from the community. The restricted area for the community will comprise the whole of the Palm Island Shire including all ten islands, the Palm Island jetty located on Greater Palm Island and all the island foreshores. It is proposed that the possession of liquor in the community will be restricted to one carton (11.25 litres) of light or mid strength beer.

Extensive consultation has been undertaken with the community. The final round of consultation occurred in February 2006. Across the community there was common agreement that unrestricted alcohol was a major concern that needed to be addressed.

The AMP is necessary for Palm Island to effectively address its alcohol related issues. It is the Government's experience that in other Indigenous communities where similar alcohol related issues were present and an AMP was implemented, the quality of life has generally improved.

Notes on provisions

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

The Amendment Regulation will insert a new Schedule 1R into the Liquor Regulation. It will detail the extent of the restricted area for the Palm Island community. The area is to include all ten islands in the Palm Island Shire, the Palm Island jetty located on Greater Palm Island and all the

island foreshores. The prescribed quantity of liquor is 11.25 litres of light or mid strength beer.

ENDNOTES

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