



Queensland

Liquor Amendment Regulation (No. 5) 2006

Explanatory Notes for SL 2006 No. 113

made under the

Liquor Act 1992

1 Short title

Liquor Amendment Regulation (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

On 20 April 2006, *Liquor Amendment Regulation (No. 3) 2006* (Regulation No. 3) was made and prescribed alcohol possession limits for the Mapoon community. It is due to commence on 5 June 2006. Regulation No 3 increased the existing alcohol carriage limit for the declared restricted area of Mapoon. The amended carriage limit was based on the

recommendations of the inter-agency Alcohol Management Program Steering Committee resulting from a review of the alcohol restrictions in Mapoon and feedback received from the community justice groups and councils of these communities.

The Amendment Regulation alters Regulation No. 3 to include a prescribed amount of alcohol considered as an option in the review process, which was not incorporated in Regulation No. 3.

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 was 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 1Q (Mapoon) of the Regulation provides for the Mapoon restricted area. The Amendment Regulation amends *Liquor Amendment Regulation (No. 3) 2006* to alter the prescribed quantity of liquor to either: a) 33.75 litres of light or medium strength beer and two litres of wine (excluding fortified wine); or b) 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. The Amendment Regulation also delays the commencement date to increase the carriage limit for the Mapoon community until 24 July 2006.

ENDNOTES

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