



Queensland

# Liquor Amendment Regulation (No. 2) 2007

## Explanatory Notes for SL 2007 No. 271

made under the  
*Liquor Act 1992*

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### Short title

*Liquor Amendment Regulation (No. 2) 2007* (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 current restricted area for the Doomadgee community by reducing the prescribed alcohol carriage limit and extending the restricted area boundary to include the bed and banks of the Nicholson River (***riverbed***). The amendment regulation is based on the recommendations of the inter-agency Alcohol Management Program

Steering Committee (*steering committee*). The steering committee had regard to a review of the alcohol management arrangements in Doomadgee in 2005 and recent harm occurring due to the excessive consumption of wine and spirits by Doomadgee residents on the riverbed. Feedback received from the Ngooderi-Mabuntha Justice Association Inc (*justice group*) and Doomadgee Aboriginal Shire Council (*Doomadgee Council*) has been considered in the drafting of this amendment regulation.

### **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 as a restricted area under a regulation.

### **Estimated cost of government implementation**

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

### **Fundamental legislative principles**

The proposed amendment regulation is consistent with fundamental legislative principles.

### **Consultation**

#### **(a) Community**

Consultation with the Doomadgee Council and justice group in relation to the review recommendations occurred in 2005, 2006 and 2007. In May 2007, high levels of alcohol related violence was reported as a result of excessive consumption of wine and spirits on the riverbed. Further consultation was undertaken with the Doomadgee Council and justice group. Other key stakeholders consulted in relation to the inclusion of the riverbed in the restricted area include Burke Shire Council, the neighbouring property owner and local community organisations.

#### **(b) Government**

The Department of the Premier and Cabinet, the Department of Communities, the Department of Natural Resources and Water and the Queensland Police Service were consulted in relation to the proposed

amendment regulation. The Office of the Queensland Parliamentary Counsel has drafted the amendment regulation.

## **Results of consultation**

### ***(a) Community***

In 2005 and 2006, the justice group supported the recommendation to reduce the carriage limit. Doomadgee Council does not support alcohol restrictions in principle and believes alcohol should be locally managed in Doomadgee. In September 2007, the community was again consulted on the review recommendations and the inclusion of the riverbed and no objections to the recommendations were made.

Burke Shire Council and a local catchment group currently using the river both support the recommended changes.

The pastoral company, which owns the property on the southern side of this section of river, objects to including the riverbed in the restricted area. The pastoral company is concerned with the potential business risks associated with possible displacement of drinkers to the property. The Government initiatives currently being implemented to reduce the demand for alcohol in Doomadgee are aimed at reducing this risk of displacement. Further, the pastoral company will be given the opportunity to raise any issues of displacement actually occurring to their property directly with Police and the Liquor Licensing Division for appropriate action. As the nature and extent of displacement is unable to be determined at this time, the effects of this regulatory amendment will be monitored closely.

### ***(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 1B (Doomadgee) of the regulation provides for the Doomadgee restricted area. The amendment regulation amends—

- (a) the restricted area boundary to include the bed and banks of the Nicholson River, adjacent to Doomadgee Shire; and
  - (b) the prescribed quantity of liquor for the restricted area to 22.5 litres of any strength beer.
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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Treasury Department.