



Queensland

Liquor Amendment Regulation (No. 2) 2008

Explanatory Notes for SL 2008 No. 29

made under the
Liquor Act 1992

Short title

Liquor Amendment Regulation (No. 2) 2008 (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 boundaries for the communities of Bamaga, Injinoo, New Mapoon, Seisia and Umagico and prescribes an alcohol carriage limit for the Sweers Island Resort in the shire of Mornington, as a consequence of local government reforms; and corrects technical anomalies.

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 regulation will be met through existing budget allocations.

Fundamental legislative principles

The proposed regulation is consistent with fundamental legislative principles.

Consultation

(a) Community

Consultation has occurred with key community stakeholders in Mornington, Hope Vale, Wujal Wujal and the NPA communities, including local councils and community justice groups. Consultation has also occurred with the licensee of the Sweers Island Resort.

(b) Government

The Department of the Premier and Cabinet, the Department of Communities, the Department of Local Government Sport and Recreation 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

No issues have been raised by key community stakeholders. The licensee and owner of the Sweers Island Resort supports being included in the restricted area provided the resort is allowed to continue to trade.

(b) Government

The proposed amendment has been endorsed by all Government stakeholders.

NOTES ON PROVISIONS

1 Short title

Clause 1 provides for the short title of the amendment regulation.

2 Commencement

Clause 2 provides for the amendment regulation to commence on 15 March 2008.

3 Regulation Amended

Clause 3 outlines the regulation to be amended.

4 Amendment of s 4 (Particulars to accompany applications relating to licences—Act s105(1)(c))

Clause 4 amends the definition of the *Building Code of Australia* in section 4(5) of the regulation to refer to section 12 of the recently amended *Building Act 1975*.

5 Amendment of s 41 (Acceptable and unacceptable practices and promotions for the service, supply and promotion of liquor—Act, s 148A)

Clause 5 makes a technical correction to section 41(2)(d) to reference the relevant paragraph for subsection 2(d)'s examples.

6 Amendment of sch 1H (Pormpuraaw)

Clause 6 makes a technical correction in section 2(1) to refer to both areas declared restricted in section 1 of the schedule.

7 Amendment of sch 1I (Mornington)

- (1) Clauses 7–10 of the amendment regulation include Sweers Island Resort in the restricted area and prescribe an alcohol carriage limit for the resort.
- (2) Clause 7 amends section 2(1) of schedule 1I of the regulation to exclude the resort from the prescribed quantity for the restricted area.
- (3) Clause 8 renumbers subsection 2(4) to 2(5) to allow for a new subsection 2(4) to be inserted.
- (4) Clause 9 inserts the new subsection 2(4) which prescribes a specific alcohol carriage limit for any quantity of beer, wine and spirits to be possessed within the licensed area of the resort.
- (5) Clause 10 provides a definition of the resort in the renumbered subsection 2(5).

8 Amendment of sch 1K (Bamaga)

Clause 11 amends section 1 of schedule 1K to replace reference to the community area of the Bamaga Island Council with Division 3 of the area of the Northern Peninsula Area Regional Council.

9 Amendment of sch 1L (Injinoo)

Clause 12 amends section 1(a) of schedule 1L to replace reference to the community area of the Injinoo Shire Council with Division 1 of the area of the Northern Peninsula Area Regional Council.

10 Amendment of sch 1M (New Mapoon)

Clause 13 amends section 1(a) and (b) of schedule 1M to replace reference to the community area of the New Mapoon Shire Council with Division 4 of the area of the Northern Peninsula Area Regional Council.

11 Amendment of sch 1N (Seisia)

Clause 14 amends section 1(a) to (c) of schedule 1N to replace reference to the community area of the Seisia Island Council with Division 5 of the area of the Northern Peninsula Area Regional Council. Technical corrections to clarify the inclusion of the entire Seisia Wharf are also made.

12 Amendment of sch 1O (Umagico)

- (1) Clause 15 amends section 1(a) and (b) of schedule 1O to replace reference to the community area of the Umagico Shire Council with Division 2 of the area of the Northern Peninsula Area Regional Council.
- (2) Clause 16 amends section 2(1) and (2) of the schedule to replace reference to the Umagico Aboriginal Canteen with the Alau Tavern due to a recent official name change of the licensed premises.
- (3) Clause 17 amends section 2(3) of the schedule to provide a definition for the Alau Tavern and remove reference to the Umagico Aboriginal Canteen.

13 Amendment of sch 2 (Dictionary)

- (1) Clause 18 inserts a new definition in the schedule 2 Dictionary for the term Division. The Divisions of the Northern Peninsula Area Regional Council are declared under schedule 1A of the *Local Government Act 1993* in accordance with map LGRB 51. Divisions 1, 2, 3, 4 and 5 correspond respectively with the Deed of Grant in Trust communities of Injinoo, Umagico, Bamaga, New Mapoon and Seisia.

- (2) Clause 19 amends the definition of foreshore to include reference to Divisions of the Northern Peninsula Area Regional Council.
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ENDNOTES

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

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