



Queensland

Liquor Amendment Regulation (No. 3) 2008

Explanatory Notes for SL 2008 No. 364

made under the

Liquor Act 1992

Short title

Liquor Amendment Regulation (No. 3) 2008 (the *amendment regulation*).

Authorising law

Sections 173G and 173H 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

Between 2002 and 2006, alcohol restrictions have been implemented in 18 Indigenous communities. Alcohol restrictions are declared under part 6A of the *Liquor Act* by way of regulation and prescribe the amount of alcohol that can be in a person's possession or in a vehicle (*carriage limit*).

In 2007, the Office for Aboriginal and Torres Strait Islander Partnerships, Department of Communities conducted a whole-of-government review of alcohol restrictions, programs and services. The review showed that despite existing restrictions, in many remote Indigenous communities alcohol-related harm and violence remain significantly higher, and school attendance significantly below, average Queensland standards.

In February 2008, the Premier met with Indigenous community mayors and announced an Indigenous alcohol reform package whereby communities were urged to go ‘as dry as possible’ with government to provide improved alcohol-related support services. Part of the reforms included a review of all carriage limits in the communities.

The review of carriage limits assessed the levels of harm occurring in communities and consultation was undertaken with community and other stakeholders. The Strong Indigenous Communities, Chief Executive Officers’ Committee (*CEO Committee*) has overseen the review. Where alcohol-related harm is high, tighter restrictions on the quantity and strength of alcohol are required.

Harm levels in the communities subject to regulatory amendment range from 7.5 times to 13.6 times Queensland’s expected number of hospital admissions for assault; and from 11.2 times to 24.6 times the expected number of reported offences against the person.

The amendment regulation reduces prescribed carriage limits as follows—

- Doomadgee carriage limit will become 2 cartons of light or mid strength beer, eliminating full strength beer.
- Pormpuraaw carriage limit will become zero, instead of 6 cans of light or mid strength beer; sacramental wine for religious purposes will still be permitted.
- Yarrabah carriage limit will become 1 carton (11.25L) of light or mid strength beer OR 750mL of wine, excluding fortified wine. This reduction will prohibit port, pre-mixed spirits and full strength beer and reduce the permitted amount of wine. To allow for possession of a 30 can carton, a technical amendment is required to increase the prescribed quantity of beer from 9L to 11.25L.
- Hope Vale carriage limit will become one carton (11.25L) of light or mid strength beer OR 750mL of wine, excluding fortified wine. This reduces the permitted amount of wine. To allow for

possession of a 30 can carton, a technical amendment is required to increase the quantity of beer from 9L to 11.25L.

Technical amendments

Technical amendments were made to the Liquor Act (section 173H) and the *Liquor Regulation 2002* in May and June 2008, to clarify that the quantity prescribed by regulation for a restricted area relates to a type of liquor as well as an amount of liquor. Wording of relevant provisions was therefore amended to include a prescribed quantity 'of a type of liquor'. To make all relevant schedules to the regulation consistent with this new wording, a technical amendment is required to schedules 1B, 1E, 1H, 1J, 1K, 1L, 1M, 1N, 1O, 1P, 1Q, and 1R.

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 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

Senior government representatives undertook 2 rounds of community visits (April and August 2008) to discuss alcohol management strategies and service delivery. Councils and community justice groups were also asked to make written submissions in response to the reforms.

(b) Government

All relevant government agencies have been consulted through the CEO Committee. The Office of the Queensland Parliamentary Counsel has drafted the amendment regulation.

Results of consultation

(a) Community

The communities of Doomadgee and Pormpuraaw support the tightened restrictions in their communities. Yarrabah and Hope Vale do not support tighter restrictions in their communities however the levels of harm justify a reduced supply of alcohol. The number of hospital admissions for assault in Yarrabah is more than 15 times the expected rate for Queensland. The number of hospital admissions in Hope Vale is more than 24 times the expected rate.

(b) Government

While there is general agreement across State and Federal government agencies, the Queensland Police Service remain concerned that the recommendation for 750mL of wine in Yarrabah and Hope Vale may result in issues with the use of glass wine bottles as weapons.

Notes on Provisions

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

Section 2 provides for the amendment regulation to commence on 2 January 2009.

Section 3 names the *Liquor Regulation 2002* as the regulation to be amended.

Section 4 amends schedule 1B (Doomadgee) of the *Liquor Regulation 2002* which declares Doomadgee as a restricted area. The amendment reduces the prescribed quantity of alcohol able to be possessed in the restricted area of Doomadgee to 22.5L of beer with an alcohol content of less than 4% (light or mid strength) only. Amendments are also made to

wording of the section to clarify that no other type of liquor is permitted and to incorporate the technical amendment required to achieve consistency with wording in section 173H of the Liquor Act.

Section 5 amends schedule 1E (Woorabinda) to incorporate the technical amendment required to achieve consistency with wording in section 173H of the Liquor Act.

Section 6 amends schedule 1H (Pormpuraaw) which declares Pormpuraaw as a restricted area. The amendment reduces the prescribed quantity of alcohol able to be possessed in the restricted area of Pormpuraaw to zero, other than sacramental wine that is to be used by a religious entity. An amendment is also made to wording of the section to incorporate the technical amendment required to achieve consistency with wording in section 173H of the Liquor Act.

Section 7 amends schedule 1J (Yarrabah) which declares Yarrabah as a restricted area. The amendment reduces the overall prescribed quantity and type of alcohol able to be possessed in the restricted area of Yarrabah by—

- (a) increasing the amount of beer from 9L to 11.25L to allow for carriage of a 30 can carton (rather than a 24 can carton); and
- (b) reducing the alcohol content of beer permitted to less than 4% (light or mid strength) only; and
- (c) reducing the amount of wine able to be possessed to 750mL and excluding fortified wine; and
- (d) removing the option of having spirits by excluding this type of liquor from the carriage limit.

An amendment is also made to wording of the section to incorporate the technical amendment required to achieve consistency with wording in section 173H of the Liquor Act.

Sections 8 to 12 amend schedules 1K to 1O to incorporate the technical amendment required to achieve consistency with wording in section 173H of the Liquor Act.

Section 13 amends schedule 1P (Hope Vale) which declares Hope Vale as a restricted area. The amendment reduces the overall prescribed quantity and type of alcohol able to be possessed in the restricted area of Hope Vale by—

- (a) increasing the amount of beer from 9L to 11.25L to allow for carriage of a 30 can carton (rather than a 24 can carton); and

- (b) reducing the amount of non fortified wine able to be possessed to 750mL; and
- (c) making the prescribed quantity either beer OR wine, not allowing the possession of both types of liquor.

An amendment is also made to wording of the section to incorporate the technical amendment required to achieve consistency with wording in section 173H of the Liquor Act.

Sections 14 and 15 amend schedules 1Q and 1R to incorporate the technical amendment required to achieve consistency with wording in section 173H of the Liquor Act.

ENDNOTES

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

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