



Queensland

# Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Amendment Regulation (No. 2) 2008

**Explanatory Notes for SL 2008 No. 437**

made under the

*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*

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## General outline

### Objectives of the subordinate legislation

The objective of the regulation is to provide for a prohibition on the possession and/or supply of home-brewed alcohol or possession of home-brew equipment in Doomadgee Shire.

### Authorising Law

Section 38(3) *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (the *Act*).

### Reasons for the subordinate legislation

In order to reduce significant alcohol-related harms, alcohol restrictions under the *Liquor Act 1992* (the *Liquor Act*) are currently in place in 18 of the 19 discrete Indigenous communities in Queensland.

A recent review of the restrictions has resulted in changes to these restrictions in some communities as well as consideration of availability and enhancement of services to support reduction of alcohol-related harms.

Possession and/or supply of home-brewed alcohol or possession of home-brew equipment are automatically prohibited in restricted areas under the Liquor Act where there is a zero carriage limit. The Act also enables prohibition in other restricted areas where these areas are prescribed in a regulation.

The review of the restrictions for Doomadgee Shire recommended the retention of a greater than zero carriage limit and recommended a prohibition on home-brew. This regulation will implement that recommendation.

### **Consistency with authorising law**

The subordinate legislation is consistent with the provisions of the Act.

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

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

### **Consistency with fundamental legislative principles**

The amendment regulation is consistent with the Act which provides in section 38(3) for an area to be declared as a restricted area under a regulation.

### **Consultation**

#### ***Community***

Consultation on the measures introduced by the amendment regulation has occurred with representatives of the Doomadgee community, including the Community Justice Group and the Council. Consultation with the community of Doomadgee occurred in April 2008 and August 2008.

During the April consultation, discussions focused on 'how dry' communities could go, services and supports needed to enable them to go as dry as possible, infrastructure needs and potential issues/blockages.

Views were canvassed. The mayor was asked to provide a formal plan to reduce harms in the community through tightening alcohol restrictions.

The second visit in August 2008 was to provide final advice for government to determine the package of restrictions and services for the community. This consultation provided an opportunity to discuss the options for a package for Doomadgee with the Council and the Community Justice Group. The August consultation included discussion on—

- the outcomes of discussions held during the earlier visit in April 2008; and
- the level of alcohol-related harm; and
- an analysis of existing services.

### ***Government***

Queensland Treasury and the Queensland Police Service have been regularly consulted during the alcohol reforms process.

Members of the Strong Indigenous Communities Chief Executive Officers Committee agreed on the recommendations related to alcohol services and carriage limits.

## **Results of consultation**

### ***Community***

The Doomadgee Community Justice Group (the Ngooderi-Mabuntha Justice Association) and the Council volunteered at the consultation meetings to remove home-brew as part of the package of restrictions and services for the community.

### ***Government***

The Office of Liquor, Gaming and Racing, Queensland Treasury and the Queensland Police Service support the introduction of a ban on home-brew and home-brew equipment in Doomadgee.

On 19 September 2008 the Strong Indigenous Communities Chief Executive Officers Committee supported the introduction of a ban (by regulation) on home-brew and home-brew equipment in Doomadgee.

## Notes on the regulations

This section provides explanatory notes for each section of the regulation.

The section numbers refer to the numbers of the section in the regulation.

**Section 1** provides for the short title of the amending regulation.

**Section 2** provides that the amending regulation will commence on 2 January 2009.

**Section 3** provides that the current regulation is amended.

**Section 4** inserts a new section 5A in the regulation which makes Doomadgee Shire a prescribed community area for the purposes of section 38(3).

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## ENDNOTES

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

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