

Frequently asked questions



Alcohol Reforms

What are the Alcohol Reforms about?

The primary objective of alcohol reform is to achieve a sustained reduction in alcohol-related harms. This objective is being achieved through alcohol restrictions, improved services, partnership between government and community, including support for positive community leadership and actions.

The Queensland Government's Alcohol Reforms provide an opportunity for Indigenous communities to achieve this objective through positive action. It is an opportunity for councils to show strong leadership and deliver lasting outcomes for communities in the areas of:

- community safety
- health
- well being
- life chances.

We must all work together so that Indigenous communities can experience a lifestyle that includes the same aspirations and opportunities that other Queenslanders expect and take for granted.

New laws that commenced on 1 July 2008 extended restrictions on drinking in public places to Indigenous communities, and extended restrictions on types of alcohol to private residences.

How are these Alcohol Reforms different to Alcohol Management Plans?

Targeted supports and services are now being made available to communities. Each community is unique, which is why the government has worked closely with community leaders to develop a tailored approach to alcohol harm reduction, including looking at the services necessary to support communities to go as dry as possible.

Support services

What services will the government use to support tougher restrictions?

The government has committed \$66.352 million over four years to service enhancement, with \$43.394 million over four years from the Australian Government to assist communities reduce alcohol-related harm in their community. Senior state and federal government officers visited all communities in August 2008 to discuss restrictions and service packages. Queensland Government agencies have jointly developed a package of enhanced alcohol-related services for each of the discrete Indigenous communities.

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These packages of alcohol-related services cover:

- alcohol assessment, treatment, and detoxification
- sport and recreation services
- diversionary services, such as Men's group and Women's Groups.

These services will be supported by the Australian Government's investment in residential rehabilitation. Specific implementation details are being worked through with communities to ensure the services respond to community needs. Where services in-full cannot be in place by 31 December 2008 (prior to revised restrictions commencing in some communities on 2 January 2009), interim services are being put in place.

Changes to alcohol restrictions

Why regulate alcohol restrictions?

There is serious alcohol-related harm occurring in discrete Aboriginal and Torres Strait Islander communities, especially to children, women and other vulnerable members. The levels of violence and alcohol-related injuries are too high.

The government will regulate alcohol supply in discrete Indigenous communities to the extent, and for the time necessary, to see a substantial and sustainable reduction in alcohol-related harms. Equally, the government will continue to expect that the Mayors make some tough decisions, and show immediate positive community leadership through:

- participation in anti-sly grog accords
- development of local laws
- encouraging the declaration of dry places
- support for community activities.

For the Cape York Welfare Reform communities, this includes a commitment to the implementation of reforms.

How long are restrictions imposed for?

Government's objective is to achieve sustained harm reduction through community driven establishment of positive social norms and reduced government intervention. Community involvement in the alcohol management framework, including clarity on local harm reduction targets and the review process, is essential to meeting this objective.

Quarterly Ministerial discussions with Mayors will be held to allow ongoing involvement by elected community representatives in the decision-making process and increase the likelihood of community ownership of alcohol restrictions and the broader reform process.

Levels of alcohol-related harm will be monitored and published in quarterly reports. The level of harm will assist to inform whether restrictions are maintained or relaxed. If over a number of consecutive quarters a community can make a substantial and sustained reduction in harm, a review of the alcohol restrictions could be undertaken.

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What are the new alcohol restrictions from 2 January 2009?

Carriage limits will be reduced in Yarrabah and Hope Vale:

- Yarrabah - 11.25 litres (one carton) of light or mid-strength beer OR 750 mls (one bottle) of non-fortified wine. This means that cask wine, fortified wine, full strength beer and premixed spirits will not be allowed in the community.
- Hope Vale - 11.25 litres (one carton) of light or mid-strength beer OR 750 mls (one bottle) of non-fortified wine. This means that cask wine will not be allowed in the community.

Reduced carriage limits for Doomadgee and Pormpuraaw are based on the communities' proposals to government in response to the Queensland Government's alcohol reforms:

- Doomadgee - two cartons of light or mid strength beer (removing full strength beer) and a ban on home-brew.
- Pormpuraaw - a zero carriage limit (including a ban on home-brew).

Extensive consultation is being conducted regarding whether a carriage limit should be introduced for Cherbourg, as restrictions have not been in place for the community before. Government will make a decision regarding Cherbourg before the end of 2008.

There will be no change to carriage limits in Aurukun, Kowanyama, Lockhart River, Mornington Island and Palm Island. A reduction of alcohol supply will occur following the lapse of canteen licences currently held by these councils, unless or until a new licence is approved.

There will be no change to carriage limits in Mapoon, Napranum, Wujal Wujal and the Northern Peninsula Area communities (Bamaga, Injinoo, New Mapoon, Seisia and Umagico).

A zero carriage limit took effect in Woorabinda on 1 July 2008. Extra services, including enhanced alcohol-related services, have been provided to the community.

Officers from the Police and the Office of Liquor, Gaming and Racing will continue to enforce the regulations. Brochures, posters, maps and online material for residents, workers and travellers will provide information about carriage limits.

How was the decision on the new alcohol limits reached?

A number of important factors were taken into account when determining the alcohol restrictions which would apply to each community, including:

- formal responses from councils and community justice groups about how alcohol related harm could be reduced
- feedback from communities during visits undertaken by senior government officers in April and August 2008
- feedback from stakeholders, such as Government Champions
- feedback from the investigations of key regulatory agencies, such as the Queensland Police Service and the Office of Liquor, Gaming and Racing
- the level of harm in each community.

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The decision-making process has been careful, deliberate, inclusive, and most importantly directed towards reducing alcohol-related harm in the communities.

Incentives to reduce harm

Community leaders in Pormpuraaw, Doomadgee and Mapoon are taking positive steps towards alcohol management and harm reduction and each of these communities will be rewarded with funding of \$100,000 for small scale community activities.

Similar rewards will be available for those communities that demonstrate a willingness to significantly reduce alcohol consumption and related harm.

Why are Indigenous communities being treated differently to non-Indigenous communities?

The levels of harm across the discrete Aboriginal and mainland Torres Strait Islander communities are unacceptably higher than in non-Indigenous communities. The state and federal governments are committed to working with Indigenous communities to reduce alcohol-related harm, rebuild social norms, healthy families, and improve outcomes for Indigenous Australians.

The state government has also launched a strategy to deal with the issue of binge drinking in towns and cities throughout the state, including changes to opening hours and the responsible service of alcohol.

What about my 'right' to have a drink when I want one?

The existing alcohol restrictions applying to discrete Indigenous communities and the legislative amendments announced as part of the Queensland Government's alcohol reforms are not in breach of State or Commonwealth anti-discrimination legislation. The 'right to drink' is not a human right recognised by United Nations conventions or the legislation. However, the right of women and children to be safe is an internationally recognised human right.

The Queensland Government's position on this matter is clear. The rights of the individual need to take a back seat to the rights of vulnerable community members, particularly children, to enjoy a lifestyle free from the threat of alcohol-related harm or neglect.

Changes to laws relating to alcohol

What effect do the new laws have that commenced 1 July 2008?

The legislative changes:

- Make it tougher for 'sly groggers' to bring alcohol into communities.
- Make it easier for community members to have their homes declared as a 'dry place'.
- Make the restrictions apply to the whole community, including houses.

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What is a dry place?

Residential premises located in a community area may be declared a 'dry place' by the local clerk of the Magistrates Court on application by the tenant or owner-occupier of the premises (if more than one, all tenants or owner-occupiers must agree to the application).

In a dry place it is an offence for any person to possess or consume any type of alcohol, regardless of whether there is a carriage limit in that area. The police will enforce the dry place declaration and the maximum fine is 25 penalty units (\$1,875).

How can I apply to make my home a dry place?

An application form must be completed and will be assessed by the Clerk of the Magistrates Court in a timely manner. Please note that:

- this option is not available in communities that have a zero carriage limit
- this option is available to community members in Coen and Mossman Gorge from 1 September 2008
- proof will be required that you are the tenant/owner-occupier/lessee of the residence
- you will be responsible for putting up a sign (provided to you at no cost) at the entrances to the dry place
- the declaration does not commence until the sign is put up
- if you provide false or misleading information you can be fined up to 10 penalty units (currently \$750)
- there is no application fee
- after the application has been approved, you'll have to put a sign up at your place – at all the entrances. Signs will be available from the police station. The house becomes a dry place as soon as you've put the sign up.
- Any current dry place declarations lapsed on 1 July 2008, so if you still want your house to be dry, you will need to reapply.

Restricted Areas

What is a Restricted Area?

Under the *Liquor Act 1992*, a Restricted Area can be declared over any area if there is evidence of high levels of alcohol-related harm occurring. In that area, the type and amount of alcohol that a person can possess can be limited.

What type of alcohol limits can be set within a Restricted Area?

A Restricted Area declaration may restrict all alcohol from being brought into the Area (a zero carriage limit). In other words, it could declare the Area totally dry. Alternatively, a declaration could set a limit on the type of alcohol and how much alcohol can be possessed in the Area.

What notice will people be given?

Signs will be placed at the entry points to the Restricted Area and the carriage limit will be advertised in local media.

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What is the penalty for breaching the alcohol limits?

The maximum penalty for breaching the alcohol limit is as follows:

- First offence – 500 penalty units (\$37,500)
- Second offence – 700 penalty units (\$52,500) and/or six months prison
- Third or later offence – 1000 penalty units (\$75,000) and/or 18 months prison

Vehicles may also be confiscated if found carrying alcohol in the restricted area.

It is also an offence to attempt to bring alcohol into the restricted area. The maximum penalty is \$37,500.

The maximum penalties are very severe because of the need to prevent people bringing sly grog (the sale of alcohol without a licence) into communities. People selling sly grog make very large profits and severe penalties are needed to stop them.

Do the new laws affect home-brew?

From 1 July 2008, home-brew and home-brew equipment was automatically banned in communities with a zero alcohol carriage limit. It may also be banned in other communities by regulation. Where home-brew is banned, it will be an offence for a person to:

- possess a home-brew kit or a component of a home-brew kit (a 'home-brew kit' is defined as a kit that includes a fermenter, an airlock and a thermometer)
- possess equipment or a component of equipment that is being used or has been used to brew alcohol
- possess home-brew concentrate
- possess homemade alcohol
- supply homemade alcohol to someone else.

The law has been extended to cover things which are not primarily for making home-brew but are being used to do that. The changes took effect from 1 July 2008.

For further information on home-brew changes, including penalties, see Alcohol Reforms Fact Sheet 6 - 'What does the ban on home-brew mean?'.

Who will enforce the alcohol limits?

Officers from the Police and the Office of Liquor, Gaming and Racing will continue to enforce the limits.

What powers do police have?

Police are able to stop and search all vehicles coming into a Restricted Area. Police can seize all alcohol where alcohol restrictions are being breached. They can also seize a vehicle (including a car, a boat or a plane) used to bring alcohol into a Restricted Area or dry place. A vehicle can be taken by the state if this is necessary to stop the vehicle being used again to break the alcohol laws.

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The new laws enable police to:

- Search a person without a warrant if they suspect they are carrying illicit alcohol.
- Enter and search a house without a warrant if they suspect there is illicit alcohol in that house. The law enables police who believe the alcohol will be hidden before a warrant can be obtained, to remove it immediately.
- Stop and search a vehicle or an animal, and a vehicle pulled by an animal, under the control of a person attempting to enter a Restricted Area with illicit alcohol.

What restrictions can be put on licensed premises within Restricted Areas?

The Office of Liquor, Gaming and Racing can place conditions on licensed premises in a Restricted Area to ensure the responsible service and consumption of alcohol.

Examples of conditions include:

- restrictions to trading hours, the type of alcohol that can be sold and how much alcohol a patron can purchase and possess (for example, two cans of beer)
- a house policy be developed including security and training details, and can require CCTV be in place.

What about licensed premises in towns near a Restricted Area – will they have restrictions too?

The Office of Liquor, Gaming and Racing can place conditions on licensed operators that are in or near communities that have alcohol restrictions, to limit and monitor the supply on alcohol where there is evidence that harm is occurring in the community as a result of sales from those premises. For example, conditions can limit or prohibit types and amounts of alcohol for take-away sales, or require the maintenance of a bulk sales register.

In some cases Liquor Accords and licence conditions may need to be negotiated collaboratively with licensees in surrounding areas to support the Alcohol Reforms.

Canteens

What will happen to canteens?

No council in Queensland will hold a general liquor licence by 31 December 2008, which means that Indigenous councils will not be able to run canteens (with the exception of the Torres Strait Island Regional Council which has an extra 12 months to divest its general liquor licences as the islands have not previously been subject to alcohol management plans). Social services previously funded by canteen profits in the past, will continue with new funding from government.

While the legislative changes provide an 'end date' for existing general liquor licences, they also allow for a transition to new arrangements.

The Office of Liquor, Gaming and Racing is allowing a phasing in period of up to 31 December 2008 to allow for improved government services to be delivered to communities.

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Licence cancellation dates

Mornington Island and Napranum canteens were already closed and the licences were cancelled on 1 July 2008. The general liquor licence held by the Lockhart River Aboriginal Shire Council was surrendered on 1 November 2008, with licences held by Aurukun and Kowanyama councils under review.

Other general liquor licences held by Indigenous councils will be cancelled on the following dates:

- 1 December 2008 - Palm Island and Pormpuraaw
- 31 December 2008 - Northern Peninsula Area (Umagico).

In determining these cancellation dates, the Office for Liquor, Gaming and Racing (OLGR) took into account the social and health impacts on the community. Any new licence applications lodged by non-council operators will be considered by the OLGR.

Can communities still have a canteen?

These reforms do not prohibit licensed premises operating in communities, however new rules will apply. Down the track, some councils may choose to allow a tavern, restaurant or community club to apply for a liquor licence.

Can the Council get someone else to run the canteen?

The Council can go to tender for a new operator at any time. If the tender is completed, and a new operator has been approved by the Office of Liquor, Gaming and Racing to operate prior to the Council's licence lapsing, no gap in service provision will occur.

If the existing general liquor licence does lapse, the canteen would need to be closed until a new licensee was approved. A new operator can make an application at any time. Any future application for a new licence by an entity other than the council will be considered by the Office of Liquor, Gaming and Racing on a case-by-case basis.

What about Council income from canteens?

The state government recognises that some councils fund important local programs with the proceeds from canteens. The state government will replace lost council revenue to allow important social programs to continue. The state government will guarantee \$14.1 million over four years to meet this commitment.

Drugs or other substances

What about the misuse of other substances?

Volatile substance misuse (VSM), particularly petrol sniffing, is a complex issue. The Queensland Police Service and Queensland Health are aware that there may be increased use of drugs or other substances if alcohol is reduced. Government is working with communities to find an approach that will work for their area.

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What options are available to combat this issue?

- Police have existing powers under the *Police Powers and Responsibilities Act 2000* to 'move on' users and to search and seize 'potentially harmful things'.
- Under Section 23 of the *Summary Offences Act 2005*, it is an offence for a retailer or salesperson to knowingly sell a 'potentially harmful thing' (such as glue, paint, a solvent, or methylated spirits) to a person the seller would reasonably expect to inhale or ingest 'the thing'.
- Councils can explore the availability of OPAL fuel to address petrol sniffing. Known generically as 'OPAL', BP developed a fuel that does not contain lead and only has very low levels of the aromatic hydrocarbons, which give the 'high' sought by petrol sniffers. The eight communities participating to date have seen a reduction in the number of people sniffing petrol and in the incidence of juvenile crime. The scheme is supported by the federal government.

For further information, see Alcohol Reforms Fact Sheet 4 - 'What about drugs or other substances?'.

Cape York Welfare Reform

What is the Cape York Welfare Reform about?

The state government has committed to work with the federal government, the Cape York Institute for Policy and Leadership and local leaders on Welfare Reforms in four Cape York communities; Aurukun; Hope Vale; Coen; and Mossman Gorge.

The Welfare Reforms aim to restore social norms and local authority and change behaviours in response to chronic levels of welfare dependency, social dysfunction and economic exclusion through alcohol and treatment support, improved educational opportunities, better health services, economic development and income management support.

Are the Welfare Reforms linked to the Alcohol Reforms?

Yes, the aim of the Alcohol Reforms is to reduce the harm caused by alcohol and affects the 19 discrete Indigenous communities (including Aurukun and Hope Vale) and two other Cape communities, Coen and Mossman Gorge.

Each community is unique, which is why the government is working closely with community leaders to develop a tailored approach to alcohol harm reduction, including looking at the services necessary to support communities to go as dry as possible.

The government will establish four **new well-being centres** in the Cape York Welfare Reform communities. These centres will provide integrated drug and alcohol counselling and support services (as well as general counselling services) and **will meet the objectives of both projects**. Alcohol Reform also has an emphasis on prevention through diversionary services.

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As part of the Welfare Reforms, the Parliament has passed the *Family Responsibilities Commission Act 2008*, which establishes the Family Responsibilities Commission, which commenced operation on 1 July 2008 and will cease operation on 1 January 2012.

What is the Family Responsibilities Commission?

The Family Responsibilities Commission is responsible for linking families with support services to work on strengthening family roles. The commission can refer people to health, employment and education services already in place, together with additional programs that the government will provide as part of the Welfare Reforms.

The Commission will apply to both Aboriginal and non-Aboriginal community members who have lived in the trial communities for at least three months. People who could be subject to Commission decisions are those who:

- are welfare recipients, and
- live (or lived at relevant times) in trial communities.

Further information on the Cape York Welfare Reform Trial can be obtained from:

http://www.premiers.qld.gov.au/About_the_department/About_us/divsworkunits/Indigenous_Government_Coordination/Cape_York_Welfare_Reform_trial/