

What should government workers be aware of?

Strong CommunityLife

It is important that Queensland Government employees, particularly those living and working in Indigenous communities, have a good understanding of the current alcohol restrictions and the changes that will apply from 2 January 2009.

The following information aims to ensure government workers are generally well informed about changes taking place with the Alcohol Reforms. If there are questions that are not answered in this resource, you should approach your relevant Queensland Government human resources contact.

Alcohol Reforms

What are the Alcohol Reforms about?

The aim of the Alcohol Reforms is to reduce the harm caused by alcohol and therefore improve the safety of all living in communities, including government workers.

This aim 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.

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 the possible introduction of a carriage limit 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.

Government workers should be aware that **home-brew** and home-brew equipment **is automatically banned in communities with a zero alcohol carriage limit**.

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

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- 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.

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

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. 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.

Changes to liquor-related laws

Amendments to liquor-related and police powers legislation that support the Alcohol Reforms were passed by the Queensland Parliament on 13 May 2008 and the new laws took effect on 1 July 2008.

Amendments were made to strengthen existing legislation to ensure the objective of reducing alcohol-related harm can be fully realised. The new laws:

- 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.

The amended Acts are:

- *Liquor Act 1992.*
- *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984.*
- *Police Powers and Responsibilities Act 2000.*

Other changes include:

- divestment of council owned canteens from 1 July - 31 December 2008
- toughened restrictions in relation to drinking in public places
- the exemption of 'bona fide travellers' on specified through-roads
- the establishment of statutory community justice groups outside discrete Indigenous communities.

For further information, see Alcohol Reforms Fact Sheet 2 - 'Summary of legislative changes'.

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What should government workers be aware of?

Home-Brew

From 1 July 2008, **home-brew** and home-brew equipment is **automatically banned in communities with a zero alcohol carriage limit.**

It may also be banned in other communities by regulation. This will be the case for Doomadgee from 2 January 2009.

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 for that purpose.

Penalties relating to home-brew

Possession of homemade alcohol

The maximum penalty for **possession of homemade alcohol in communities with a zero carriage limit is:**

- 500 penalty units (currently \$37,500) for a first offence
- 700 penalty units (currently \$52,500) or six months imprisonment for a second offence
- 1000 penalty units (currently \$75,000) or 18 months imprisonment for a third or later offence.

For communities that do not have a zero carriage limit but **where home-brew is banned by regulation**, the maximum penalty for possession of homemade alcohol will be 250 penalty units (\$18,750).

For all communities where home-brew is banned

A maximum penalty of 250 penalty units will be applicable for offenders who:

- possess a home-brew kit or a component of a home-brew kit
- possess of equipment or a component of equipment that is being used or has been used to brew alcohol
- possess of home-brew concentrate
- supply homemade alcohol to someone else.

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For workers in Pormpuraaw and Doomadgee

- A ban on home-brew will apply from 2 January 2009.
- You will need to dispose of your home-brew kit, equipment or concentrate or remove it from the community area before midnight 1 January 2009.
- There will not be an amnesty period. People who have a stockpile of homemade alcohol will need to dispose of it or remove it from the community area before midnight 1 January 2009. No compensation will be provided by government for home-brew kits or stockpiled alcohol.
- Everyday house-hold items such as washing machines or buckets (not primarily used for making home-brew but are being used to do that) can be kept and used for their primary purpose. However, people should be aware that it can be an offence to possess items that can be shown to have been used for home-brew.
- In isolation, everyday food stuffs (such as yeast or cooking essences) are not an issue unless it can be demonstrated that these items are being used to brew alcohol.

Frequently asked questions

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) or six months prison
- Third or later offence – 1000 penalty units (\$75,000) 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 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. Sly grogging is a major cause of harm, violence, and poor health in communities.

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

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.

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A vehicle can be taken by the state if this is necessary to stop the vehicle being used again to break the alcohol laws.

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.

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.

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, including security and training details, and may require CCTV be in place.

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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 prohibit sales to taxi drivers, limit or prohibit types and amounts of alcohol for take-away sales, or only allow alcohol to be sold with a meal.

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

What is the Cape York Welfare Reform and how does it relate to Alcohol Reforms?

The Cape York Welfare Reforms are a partnership between four Aboriginal communities on Cape York (Aurukun, Coen, Hope Vale and Mossman Gorge), the federal government, the Queensland Government and the Cape York Institute for Policy and Leadership.

The Welfare Reforms aim to restore positive social norms, re-establish local Indigenous authority and support community and individual engagement in the real economy. The reforms commenced on 1 July 2008 and will run for four years until 2012.

The four Welfare Reform communities will work with the other partners to strengthen family relationships, particularly the care of children. The Welfare Reforms will also see extra support for families struggling with family relationships, alcohol, education and housing issues.

Alcohol treatment and rehabilitation and other health services being introduced to the four Welfare Reform communities aimed at addressing and preventing alcohol-related harm will meet the objectives of both projects.

For further information on the Cape York Welfare Reform, see Alcohol Reforms Fact Sheet 9.

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