



Speech by

Hon. Liddy Clark

MEMBER FOR CLAYFIELD

Hansard Tuesday, 28 September 2004

COMMUNITY SERVICES AND OTHER LEGISLATION AMENDMENT BILL

Hon. E.A. CLARK (Clayfield—ALP) (Minister for Aboriginal and Torres Strait Islander Policy)
(2.59 p.m.): I move—

That the bill be now read a second time.

Today I am introducing legislation which will assist Aboriginal and Torres Strait Islander communities and the state government in their campaign against alcohol dependence. The Community Services Legislation Amendment Bill 2004 will deal with an issue which has emerged since the introduction of alcohol management plans in a number of communities in Queensland. This is the issue of home-brew. The production of home-brew has become a problem in a small number of communities. These are communities that are looking to become stronger and healthier. They are working towards a more promising future for their children and for each generation to come. They want their alcohol management plans to work. This small number of communities has asked the Queensland government to take action to deal with the problem of home-brew. This legislation sets out a course of action to meet the specific needs of each community. It is not a blanket ban on home-brew. I repeat: this is not a blanket ban on home-brew. There are communities where home-brewing is a problem and there are communities where it is not. This legislation allows the flexibility to prohibit home-brew only when the community believes it is a necessary step to build a stronger future.

As honourable members are aware, since 2002 the state government has worked in partnership with remote indigenous communities to implement alcohol management plans. This was a priority of Justice Tony Fitzgerald's Cape York Justice Study and is a pivotal step in ending the cycle of violence which can make so many people's lives a misery. The plans were part of this government's Meeting Challenges, Making Choices strategy, a strategy which does not dodge the difficult issues. It is indeed meeting the challenges. Already we are seeing the results of our partnership with Aboriginal and Torres Strait Islander community justice groups which has seen the implementation of 17 alcohol management plans. In Aurukun, Doomadgee, Lockhart River, Napranum, Woorabinda and Wujal Wujal there has been a 48 per cent reduction in the quarterly average number of hospital admissions for assault, and recent available evidence indicates that there has also been a significant response to alcohol restrictions with a reduction in alcohol related criminal violence in nine communities.

The alcohol management plans are making a difference to the everyday lives of people living in remote communities. They are reducing violence, they are helping children learn and they are protecting the rights of those who have no other way to ensure their safety. But there is more to life in these communities than just the figures. We cannot afford to be complacent, and there are still enormous challenges to overcome if we are to ensure the long-term success of positive changes. The wonderfully dedicated men and women of community justice groups are leading the effort in their communities. They are carrying out tasks which provide a solid building block for the future.

In 2002 the Beattie government backed the community justice groups by giving them the legislative authority to recommend and work towards alcohol restrictions. We need to continue our support for these

groups and these communities, and the bill I am introducing today is a part of this effort. This continues to be a learning curve and we are listening to the issues raised by each community. A small number of communities have asked the state government for help in dealing with the actions of those who are brewing their alcohol at home to avoid alcohol restrictions. It is currently not an offence to transport a home-brew kit through a restricted area or a dry area to a private residence and then produce home-made alcohol. Recent information from the Queensland Police Service has confirmed anecdotal evidence that home-brewed alcohol is being produced in some communities to avoid the alcohol management plans. This was obviously not the intent of alcohol restrictions. The increase in home-brewing has the potential to not only undermine the effectiveness of the restrictions but also give rise to health risks. There are risks associated with drinking unfermented or 'green' alcohol produced without adequate sterilisation procedures or home-brew that has a high alcohol content.

This Community Services Legislation Amendment Bill will allow the communities, in consultation with the state government, a way to move towards banning home-brew if it is a problem. The objective of the bill is to regulate, where appropriate, both home-brew kits and home-made alcohol in deed of grant in trust communities and the shires of Aurukun and Mornington Island for the purpose of further minimising harm caused by alcohol, its misuse and the violence it carries with it. I want to emphasise to the House and to Aboriginal and Torres Strait Islander communities that this bill will not impose an immediate ban on home-brew kits and home-made alcohol in all DOGIT communities and the shires of Aurukun and Mornington Island. Instead, it will enable the government to prohibit home-brew in a particular community in response to concerns raised by members of that community or if there is other compelling evidence that it is necessary.

The government is not imposing these restrictions on Aboriginal and Torres Strait Islander communities. The impetus for any bans will come from those communities. As we have done with alcohol management plans, we will continue to work with the communities to ensure the restrictions are working effectively. The alcohol management plans are being progressively reviewed, a process which includes extensive community consultation. Our review team is looking at whether the plans are meeting the needs of each community. If a review indicates that home-brew is a problem, we can respond to this in cooperation with the community. In other words, we will consider the application of this law in each community on a case-by-case basis.

The bill includes amendments to both the Community Services (Aborigines) Act 1984 and the Community Services (Torres Strait) Act 1984. It will make it an offence for a person in a prescribed community area to possess a home-brew kit, possess home-brew concentrate, possess home-made alcohol or supply home-made alcohol to someone else. The restriction on the possession of home-brew kits means alcohol will not be able to be brewed within any part of a prescribed community area. Community areas where the law can potentially apply are the 15 Aboriginal council areas under the Community Services (Aborigines) Act 1984, the 17 Island council areas under the Community Services (Torres Strait) Act 1984 and the shires of Aurukun and Mornington Island. The bill extends the existing police powers under the Police Powers and Responsibilities Act 2000. These were conferred as part of the implementation of the government's alcohol management strategy. Police powers are extended by the bill to enable enforcement by a police officer of an offence under the community services acts that involves or is likely to involve home-brew kits and home-made alcohol.

Police will have the power to seize and dispose of opened and unopened containers of liquor where a police officer reasonably suspects an offence relating to home-made alcohol. The amendments extend the existing police power to stop and search a vehicle for the purpose of enforcing liquor restrictions to also include the restrictions on home-brew kits and home-made alcohol. The maximum penalty rate for a breach of the restrictions on home-brew kits and home-made alcohol is \$18,750 and mirrors the existing penalties for sly grog under the Liquor Act 1992. Those are maximum penalties, so the decision about the actual penalties will, as usual, be a matter for the court. The courts are using their full discretion when handing down penalties for breaches of alcohol limits under the previous legislative changes. No person appearing before the courts has yet been fined the maximum amount. The average penalty handed down by the courts has been \$500. The punishment for breaching bans on home-brew kits and home-made alcohol or the supply of home-made alcohol to an individual will continue to match the seriousness of the offence.

We must not lose sight of the true objectives of the state government's alcohol management strategy. This government has a long-term commitment to stopping the cycle of violence which can be so destructive to the health and the wellbeing of any community. This has proven to be the case in many remote Aboriginal and Torres Strait Islander communities and we are continuing, in partnership with the communities themselves, to change this dangerous pattern. This bill will ensure that the progress made through alcohol restrictions is not threatened by the use of home-brew kits. It is another step in building a much stronger future for people who live within these communities, and I commend the bill to the House.