

# Chapter 3

## *Responsible communities*

To provide responsible communities, DJAG is focused on:

- applying regulatory models that encourage business growth, build community confidence and minimise harm
- supporting the most vulnerable and disadvantaged, and
- enabling access to information and resources to empower individuals, families, businesses and communities.

# Providing legal assistance services to vulnerable and disadvantaged Queenslanders

The Queensland Government allocates funds from the State Budget to Legal Aid Queensland (LAQ) and community organisations (mostly Community Legal Centres (CLCs)) for the delivery of legal assistance services across Queensland communities.

In 2021–22, LAQ provided over 272,000 legal assistance services for state law matters, including:

- legal information and referral services
- advice and task assistance
- duty lawyer services
- grants of aid, and
- legal representation.

CLCs provided over 210,000 legal assistance services with state and commonwealth funds allocated and administered by the Queensland Government.

Community organisations were allocated \$38.209 million in combined state and commonwealth funding to provide free or low-cost legal services to vulnerable and disadvantaged Queenslanders and peak body services.

This included \$15.313 million of state funding and \$22.896 million of commonwealth funding.

In February 2022, state funding to the community organisations was revised up due to the increase in the NGO indexation rate from 1.50% to 2.88%.

During 2021–22, the state government allocated \$75.079 million of additional Commonwealth funding over 2021–25 for Queensland to LAQ, CLCs, and the Aboriginal and Torres Strait Islander Legal Service (ATSILS), including:

- \$19.478 million over 2022–25 to continue LAQ Family Advocacy and Support Services
- \$3.531 million over 2021–25 to increase Domestic Violence Units and Health Justice Partnerships services, including outreach services to women in regional and/or remote areas
- \$27.116 million over 2021–25 for dedicated legal assistance services for vulnerable women
- \$12.658 million over 2021–25 to support people with mental health conditions to access the justice system, of which \$4.220 million will be distributed to CLCs through a tender process
- \$9.662 million over 2021–25 for front-line support to address workplace sexual harassment, of which \$4.351 million will be distributed to CLCs through a tender process

- \$1.498 million over 2021–25 for legal assistance services to people accused of, or charged with, Commonwealth child sexual abuse offences
- \$639,000 over 2021–25 for ATSILS to increase data capability and capacity to inform the Justice Policy Partnership (JPP) as part of the *National Agreement on Closing the Gap*, for legal assistance services to families in coronial inquiries, and additional funding for expensive and complex cases, and
- \$497,000 over 2021–25 to meet the State’s obligated roles and responsibilities under the governing *National Legal Assistance Partnership*.

Further information about legal assistance services can be found in Appendix 4 and 5 of this Annual Report.

LAQ provides detailed information about its service delivery in its annual report, which can be found at [www.legalaid.qld.gov.au/About-us/Corporate-publications/Annual-reports](http://www.legalaid.qld.gov.au/About-us/Corporate-publications/Annual-reports)

# Closing the Registration Gap – Our Kids Count Program

**The Registry of Births, Deaths and Marriages (RBDM) is leading the Closing the Registration Gap – Our Kids Count Program which aims to increase the birth registration rate of Aboriginal and Torres Strait Islander children.**

The program is responding to the 2018 Queensland Ombudsman report, *The Indigenous Birth Registration Report: An investigation into the under-registration of Indigenous births in Queensland* (the report).

The report discussed the relatively low birth registration rates for Aboriginal and Torres Strait Islander children and made nine recommendations to address this disparity. DJAG accepted all nine recommendations.

On 8 April 2021, the *Closing the Registration Gap Strategy and Action Plan*, a three-year cross agency strategy and action plan, was launched. At this time, the *Register Your Bub – Our Kids Count* communication and awareness campaign was also released. *Our Kids Count* is raising awareness that birth registration is important and free, that the hospital doesn't register bub for you, and that it's never too late to register bub.

In 2021–22, working within COVID-19 and remote community travel restrictions, *Our Kids Count* visited and engaged with communities and helped parents register their children's births in Cherbourg, Doomadgee, Kowanyama, Mount Isa, the Northern Peninsula Area, Palm Island, and Thursday Island.

In 2021–22, there was an upward trend in the registration of the births of Aboriginal and Torres Strait Islander children. In 2020, before the strategy commenced, the births of 74% of Aboriginal and Torres Strait Islander children were registered within one year, compared with 96% of non-Indigenous children.

As at 30 June 2022, 78.1% of Aboriginal and Torres Strait Islander children born in 2021 have been registered within a year of birth, compared with 96% of non-Indigenous children.

In 2021–22, RBDM continued to work closely with the Institute of Urban Indigenous Health to deliver their Deadly Choices Birth Certificate Program. This program provides any child up to five years old, who is up to date with their health checks and vaccinations, with a free birth certificate and Deadly Choices commemorative certificate through participating health clinics.

In 2021–22, RBDM issued 713 free birth certificates in partnership with Deadly Choices.

During 2021–22, COVID-19 impacted the implementation of a range of initiatives in the Action Plan. In 2022–23, RBDM will be engaging closely with partner agencies to drive implementation of the Action Plan.

# National Agreement on Closing the Gap

**DJAG is determined to address the over-representation of First Nations Queenslanders in the criminal justice system in partnership with Aboriginal and Torres Strait Islander organisations and peak agencies.**

The Justice Policy Partnership (JPP) was established by the Commonwealth Attorney-General's Department in mid-2021 as part of the implementation of the *2020 National Agreement on Closing the Gap*.

The JPP comprises representatives from both government and Aboriginal and Torres Strait Islander peak organisations from all Australian jurisdictions, as well as a series of independent Aboriginal and Torres Strait Islander members. DJAG is the lead Queensland Government agency on the JPP, led by the Deputy Director-General of Justice Services.

A large body of work is being established to support the work of the JPP, and to deliver on Queensland's commitments under the National Agreement to reduce the incarceration of Aboriginal and Torres Strait Islander adults by 15% and young people by 30% by 2031.

In late 2021, DJAG established the JPP Executive Governance Group and a supporting Cross-agency Working Group.

These groups have been established to ensure strong partnerships across all relevant government agencies and the Aboriginal and Torres Strait Islander community-controlled sector, and to drive and govern the work.

In October 2021 the Women's Safety and Justice Taskforce report, *Hear Her Voice: Addressing coercive control and domestic and family violence in Queensland*, recommended the development of a co-designed specific whole-of-government and community strategy to address the over-representation of Aboriginal and Torres Strait Islander peoples in Queensland's criminal justice system, to be operational before legislation to criminalise coercive control is introduced.

In response to this recommendation, work has commenced to establish the Office of the First Nations Justice Officer, and to recruit a new team to support the First Nations Justice Officer, to undertake the work to develop the strategy, and to progress the Queensland Government's commitments under the National Agreement.

# Office of Liquor and Gaming Regulation achievements

The Office of Liquor and Gaming Regulation (OLGR) regulates Queensland's liquor and gaming industries, ensuring operator integrity and responsible industry while reducing harm, enhancing community safety and ensuring the industries are socially responsible.

In 2021–22, OLGR:

- conducted 813 gaming audits, investigations and inspections, and financial evaluations
- conducted 673 audits through the casino audit program
- conducted 9,165 liquor investigations and inspections
- initiated 3,645 liquor and 712 gaming enforcement/remedial actions
- processed 12,466 liquor applications and 1,829 gaming-related matters
- distributed \$590,279 to 8 safe night precinct local boards to continue TAFV initiatives
- attended more than 405 forums with industry, including safe night precinct board meetings and liquor accord meetings
- issued 93 liquor infringement notices
- had eight successful prosecutions with \$70,750 in fines being imposed
- completed 231 probity investigations
- granted six new gaming sites (five new licences and one additional premises)
- granted 1,711 various gaming licences (includes individual licence applications)
- granted 688 new liquor licences (excludes permits and approvals under the *Wine Industry Act 1994*)
- granted 12,913 various liquor applications (includes individual licence applications)
- monitored \$4.31 billion in player expenditure in the Queensland gambling market (casinos, gaming machine, keno and lotteries), and
- collected \$851.1 million in gaming machine revenue (taxes).

# Responsible gambling

## **Gambling Community Benefit Fund (GCBF) super round**

Since its inception in 1994, the Gambling Community Benefit Fund (GCBF) has distributed more than \$1.067 billion across 64,981 applications to community groups to help them provide services, leisure activities and economic opportunities for Queensland communities.

In 2021–22, the GCBF had its inaugural super round where not-for-profit community groups could apply for funding up to \$100,000. The super round closed on 31 March 2022 and 2,942 applications were received, the highest number of applications submitted into a funding round in the GCBF's history.

The Gambling Community Benefit Committee holds meetings and engagement sessions across Queensland providing information on eligibility and how to apply for funding. In 2020, an online application voting process was introduced to support the committee. This voting process continued in 2021–22 however, the easing of COVID-19 restrictions allowed the return of face-to-face committee meetings.

## **Electronic funds transfer for gaming machine payments**

In 2021–22, LGFT progressed amendments to the *Gaming Machine Regulation 2002* to provide club and hotel gaming machine licensees, and licensed monitoring operators with the added discretionary ability to make certain gaming payments (i.e. payments for gaming machine winnings and credits, and redemption of gaming tokens) by electronic funds transfer (EFT). Previously, gaming payments could be paid by cash and/or cheque, but not EFT.

Under the amendments, licensees are required to make any EFT payments above the venue-defined cash limit of \$5,000 in a way that ensures a player is not able to access the funds until after the end of the gaming period to reduce the risk of gambling-related harm.

Licensed monitoring operators must also ensure any amounts paid by EFT are not accessible by a player until after the end of the gaming period.

The Amendment Regulation was made to modernise gaming payments in light of the growing popularity of non-cash payment methods during the COVID-19 pandemic, and offer convenience to gaming machine licensees, licensed monitoring operators, and players. The Amendment Regulation also fulfills the Government's election commitment to permit gaming machine winnings to be paid by EFT.

## Gambling Harm Minimisation

The *Gambling Harm Minimisation Plan for Queensland 2021–25* was launched by the Attorney-General on 27 July 2021.

The four-year plan provides a shared plan of action for government, industry and community to collaboratively reduce harm from gambling and improve the wellbeing of Queenslanders.

The Responsible Gambling Advisory Committee provides a leadership role in the plan's implementation. The membership of the committee was revised in 2021–22 to provide increased community sector representation and balanced gender representation.

During 2021–22, actions delivered under the plan include an external review of Queensland's Gambling Help Service System, rollout of an enhanced compliance audit program with renewed harm minimisation focus, delivery of training to build the Office of Liquor and Gaming Regulation's internal harm minimisation capacity and a review of Responsible Gambling Networks to elevate and connect them into policy and program development.

During 2021–22, a formal evaluation was undertaken of the 'When gambling took over...' gambling harm awareness campaign, which found the campaign had been successful in reducing stigma, increasing awareness of signs of gambling problems and encouraging at risk gamblers to seek more information. The campaign was rerun from May to July 2022.

A Bill was also introduced into Parliament in May, which included a regulation-making power to prescribe gambling harm minimisation measures that must be implemented by particular gambling providers.

Harm minimisation priorities for 2022–23 include:

- developing an evaluation framework for the Gambling Harm Minimisation Plan for Queensland
- launching *Let's start yarning about gambling* campaign.
- conducting a *Queensland Household Gambling Survey* to measure gambling prevalence and harms and an Aboriginal and Torres Strait Islander youth gambling research project
- implementing responses to the Gambling Help review including addressing service gaps to key client groups such as Aboriginal and Torres Strait Islander people, young people and culturally and linguistically diverse communities
- releasing two new Commissioner guidelines for Electronic Gaming Machine harm minimisation and reasonable steps for venue management of exclusions
- commencing a review of the Queensland Responsible Gambling Code of Practice and mandatory harm minimisation requirements, and
- developing a gambling harm awareness campaign for culturally and linguistically diverse audiences.



# COVID-19 legislative responses

In 2021–22, LGFT progressed further legislative amendments to continue vital assistance for Queensland businesses and individuals suffering from financial and operational stress caused by the COVID-19 public health emergency.

This included amendments to provide additional financial relief with the waiver of:

- 2021–22 annual liquor licence fees (including risk criterion fees, such as fees for extended trading hours) for all licences in effect on 30 June 2021 under the *Liquor Act 1992* and *Wine Industry Act 1994*
- fees payable on liquor applications to extend trading hours and vary a licensed area made between 10 August 2021 and 30 June 2022, and
- renewal fees for registered inbound tour operators from 1 February 2021 to 30 June 2022.

In late 2021, liquor reforms were passed to make aspects of the temporary COVID takeaway liquor authorities permanent for restaurant licensees.

The application fee to vary the licence was also waived for eligible licensees until 1 July 2022.

# Alcohol-related community safety

## Tackling alcohol-fuelled violence

Since 2015, the Government has been committed to reducing alcohol-related violence in and around licensed venues through its comprehensive, multi-faceted *Tackling Alcohol-Fuelled Violence (TAFV) Policy*.

On 25 May 2022, the Government released its final response to the 38 recommendations of the *Queensland Alcohol-related violence and Night-Time Economy Monitoring (QUANTEM)* independent evaluation of the TAFV Policy.

The Government has accepted 22 recommendations as supported, partially supported or supported-in-principle. The remaining 16 recommendations are not supported as they are not considered critical to achieving the overarching Government policy objectives or can be achieved by more effective alternative means.

Key highlights of the final Government response include:

- continued place-based management of safe night precincts (SNPs), including undertaking risk targeted compliance inspections and investigations to promote licensed venue management practices which are consistent with minimising alcohol-related harm. This is supported by providing permanent funding for 12 additional compliance officers that form part of the TAFV policy
- continued focus to implement initiatives that promote safe behaviour and attitudes in venues
- enhancements to the mandatory ID scanning framework including:
  - allowing the use of pass outs for patrons who, for example, need to access external toilet and smoking facilities, avoiding the need to ID scan on re-entry, and
  - reduction of days that mandatory ID scanning is required for venues closing before 1am to focus on higher risk Friday, Saturday, and Sunday nights
- increased duration of an initial police banning notice, including from a licensed premises or safe night precinct, from 10 days to up to one month
- creating greater transparency around liquor and gaming decisions including requiring the Commissioner for Liquor and Gaming to publish information about decisions made on significant liquor and gaming machine licence applications that are publicly advertised and where objections or representations are received
- continued commitment to best practice advertising and communication campaigns aimed at reducing risky alcohol consumption, taking into account the findings of the TAFV evaluation report
- a comprehensive independent review of alcohol and drug safety education in schools, and
- ongoing monitoring and evaluation of alcohol-related harm in Queensland, including a legislated triennial review of SNPs to consider whether the SNP is achieving its harm-minimisation purposes.

The Government has allocated \$500,000 in 2022–23 to support safety initiatives such as roving security and taxi marshals in SNPs to ensure Queenslanders can enjoy a night out without feeling threatened or uncomfortable.

The final Government response strikes a balance between reducing alcohol-related harm and the need to ease the regulatory burden on hospitality and tourism businesses in the COVID-19 economic recovery environment.

## **New approach to alcohol management in remote and discrete communities**

Alcohol Management Plans (AMPs) operate in 19 remote and discrete Aboriginal and Torres Strait Islander communities across Queensland. Communities subject to an AMP have liquor carriage limits prescribed by regulation.

Following a review of AMPs, in mid-2019 the Queensland Government endorsed a renewed approach to alcohol management for communities in restricted areas.

The approach continues to include alcohol restrictions but allows for such matters to be influenced and controlled locally and includes strategies tailored to the unique characteristics and aspirations of each community.

Importantly this approach specifically provides for a restricted area community to seek amendments to the AMP carriage limits in situations where the community is supportive and can demonstrate the ability to manage the changes. Co-designed

community-specific safety plans underpin the process and include strategies to improve safety and wellbeing, reduce alcohol demand, address sly grog, and homebrew and promote a positive alcohol culture.

Whilst the approach is a multi-agency initiative, LGFT is the lead on securing amendments to the liquor regulation and associated licensing matters to deliver on agreed changes to carriage limits.

A number of communities have sought changes to carriage limits since the approach was introduced. For Mornington Island the liquor regulation was amended on 16 April 2022 to support a change to the carriage limit to allow up to 12 cans of mid strength liquor (up to 4% alcohol by volume).

On 28 April 2022 the regulation was amended for Kowanyama to support a change to the carriage limit to allow up to 12 cans of mid strength liquor (up to 4% alcohol by volume) and 2 litres of wine.

Lockhart River has also seen changes. On 29 March 2022 a restricted liquor permit was approved for the Lockhart River Social Club Aboriginal Corporation to sell liquor for consumption on the club premises for members and guests of members.

The renewed approach is consistent with the *Local Thriving Communities* reform which seeks to give Aboriginal and Torres Strait Islander communities a greater voice in shaping their future.

# Online witnessing

The Justices of the Peace Branch is responsible for the administration of the *Justices of the Peace and Commissioners for Declarations Act 1991* and the *Justices of the Peace and Commissioners for Declarations Regulations 2021* to ensure Queenslanders have access to competent and reliable witnessing service.

At times during COVID-19, face-to-face witnessing options including the highly utilised JPs in the Community program volunteer services were suspended to reduce transmission, and to safeguard both volunteers and the public.

The ongoing need to provide a witnessing service to the community led the Justices of the Peace Branch to introduce a temporary online witnessing service under the *Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation 2020*. This allowed for Queensland statutory declarations and affidavits to be made and witnessed via an audio-visual link for people in vulnerable situations.

A small cohort of Justices of the Peace and Commissioners for Declarations were approved by the chief executive of the department as special witnesses. The special witnesses undertook specialised training and have been assisting clients from a range of both local and international locations, including people in quarantine and isolation.

On 30 April 2022 amendments to the *Oaths Act 1867* has made online witnessing a permanent arrangement.

This legislation helps to reduce face-to-face contact and protect the health, safety and welfare of Queenslanders during the COVID-19 emergency, whilst ensuring consistent access to witnessing services.

# Looking forward – our focus for 2022–23

During 2022–23, DJAG will:

- continue to implement initiatives to reduce rates of Aboriginal and Torres Strait Islanders in incarceration by 15% (adults) and 30% (children) by 2031 under the National Agreement on Closing the Gap
- engage closely with partner agencies to drive implementation of the *Closing the Registration Gap Strategy and Action Plan*
- continually assess the suitability of gambling industry participants, including casinos, and the integrity of their products, and
- continue to work with the Responsible Gambling Advisory Committee to deliver actions under the *Gambling Harm Minimisation Plan for Queensland 2021–2025*.