***NRCoP & ANZSOG present: Indigenous knowledge, partnerships and shared decision making: culturally responsive regulation in action***

***Tuesday, 28 February 2023***

***Q&A Session***

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| **Liz Costello**, Department of Justice and Attorney-General, QLD **Dr Amanda Moffatt**, Iscariot Media  |
| **Gambling addiction is a serious problem in First Nations communities. What can governments do to control the predatory behaviour of clubs and pubs?**The Queensland Office of Liquor and Gaming Regulation (OLGR) oversees the licensing of premises and persons involved in gambling activities and undertakes compliance activities, including the investigation of complaints about the conduct of venues. Where there are concerns about the way a club or hotel is operating (e.g. predatory behaviours), a complaint can be made to the OLGR who will investigate where it is not operating in accordance with the *Gaming Machine Act 1991* and *Queensland Responsible Gambling Code of Practice*. OLGR has also implemented an enhanced gaming machine audit program to assess venues’ compliance with their obligations, venue harm minimisation culture and measures in place to provide patrons with a safer gambling environment.The Commissioner for Liquor and Gaming has the discretion to impose licence conditions on licensees in the public interest to minimise risk to an acceptable level. Further, legislation passed in October 2022 provides the ability to prescribe by regulation, harm minimisation measures that must be observed by gambling providers. The amendments, which were duplicated across all 7 Queensland gambling Acts, are intended to provide the Government with a flexible, responsive and efficient means of implementing and maintaining best practice harm minimisation with regard to emergent or unforeseen industry practices and technological development. The *Gambling Harm Minimisation Plan for Queensland 2021-25* recognises the need for a robust regulatory framework, with one of the four strategic pillars of the plan being a modern and effective regulatory framework. A key deliverable under this pillar is to undertake a review of the Responsible Gambling Code of Practice and mandatory requirements to strengthen and encourage effective harm minimisation outcomes and ensure patrons are being protected effectively. This includes ensuring that clubs and pubs are not engaging in predatory behaviours and are providing safer gambling environments. The Plan also specifically includes Aboriginal and/or Torres Strait Islander communities as being at-risk and vulnerable to the impacts of gambling harm. |
| **When you say successful, do you mean problem gambling was reduced or is it too early to tell?**In short, it is too early to tell. The overall goal of the campaign was to minimise gambling harm in Aboriginal and Torres Strait Islander communities. Iscariot Media’s stakeholder consultation and research found that an important first step is to start to break down stigma by starting a conversation about gambling harm within communities. To contribute towards the overall goal, we established a number of measures that, for the purposes of evaluation of the original run of the initial run of the campaign (July to Nov 2022), could be measured by an audience survey. This evaluation found that the campaign was successful based on these measures, for example, 90% of people surveyed agreed that they would call the free Gambling Helpline if they needed help, and 81% said they understood gambling harm better because of the campaign. Also, 34% of viewers are thinking about having a conversation about gambling with someone they know as a direct result of the campaign. Further work around this issue will be done through the *Gambling Harm Minimisation Plan for Queensland 2021-25* e.g., research on young males’ engagement with online gambling and upskilling Aboriginal and Torres Strait Islander frontline health and community support workers to recognise and address gambling harm. |
| **Renee Henry**, Department of Regional Development, Manufacturing and Water, QLD **Edward Swann**, Department of Regional Development, Manufacturing and Water, QLD  |
| **What is the main water quality issue causing Water Alerts to be sent?**Detection of bacteria e.coli which is the result of insufficient treatment processes, failed treatment processes or insufficient disinfection being achieved. |
| **Did the water treatment regulator find that any cultural/custodianship values intertwined with the regulatory practice side of things? (I work at a public land regulator, and we're quite interested in exploring how these can be mutually supportive)**Water Supply Regulator recognises and are aware of the cultural importance of water to Indigenous communities, surface water in particular sourced from rivers and streams for consumption have significant cultural and spiritual values, this is dependent on the health of the river system, with interdependencies between fish life, river flows, currents, sedimentation and health of riparian vegetation through their custodianship. All of these things are also important to the regulator as far as catchment management is concerned, which leads to the reduction of hazards and hazardous events for safer drinking water. |
| **Is it appropriate to seek out other agencies or jurisdictions who are consulting on similar issues and create a joint consultation program?**Yes, and we do this regularly reaching out to public health units and even other government departments that have any involvement in the work, for example, agencies providing grants programs, Department of Environment and Science and Aboriginal and Torres Strait Islander Partnerships. We also try to combine our site visits so that they are more beneficial for all parties. |
| **Katrina Sanderson**, Department of Environment and Science, QLD  |
| **Is there an equal playing field between Traditional Owners and biodiscovery entity? re: who funds 'professionals' to negotiate on the Agreement?**Partners in our biodiscovery reforms, from both First Nations and biodiscovery entity backgrounds, highlighted that there is not an even playing field. We are working on a range of mechanisms to reduce the impact of this power dynamic. All of our documents are designed to encourage and facilitate genuine, trusting partnerships. Our [Traditional Knowledge Guidelines](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fenvironment.des.qld.gov.au%2F__data%2Fassets%2Fpdf_file%2F0028%2F246916%2Ftraditional-knowledge-guidelines.pdf&data=05%7C01%7CL.Cherney%40anzsog.edu.au%7Cad01c54fd87b4c3f54ba08db2116e3fc%7C321f11951a8d41999b416d1896af4006%7C0%7C0%7C638140154599126328%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=yIy15lt%2FNgvS3u6EwjE90GnqzGvZLGpVp7Gv0cP3sAo%3D&reserved=0) also suggest that biodiscovery entities:* provide resources to support custodians to participate in decisions-making processes – for example, by funding or providing logistical support for the custodians to meet and for the preparation of culturally appropriate and easy to understand material, and
* support First Nations partners to access independent advice – for example, this may be by directly funding the procurement of independent advice or by helping the community find advisors (such as law firms willing to undertake pro bono work).

We are also undertaking work to support First Nations peoples to know and utilise their rights and to build biodiscovery entities’ cultural capability. To raise awareness, we are giving presentations and have made written materials available on what First Nations peoples’ rights. We are also developing templates for documents needed throughout a project cycle, such as for recording free, prior and informed consent and negotiating benefit sharing. We acknowledge this will not go all the way to resolving the power imbalance. |
| **Social licence and development – how can you manage to achieve sustainable development from a single position, do you think that ‘no’ from first nations is final and no development should be done?**In the biodiscovery context, we have been very clear that any entity wanting to use First Nations peoples’ knowledge can only do so with the consent of the appropriate custodian(s). That means that a ‘no’ from First Nations peoples is final and the project cannot use the knowledge. This is an important aspect of supporting First Nations peoples’ self-determination and recognising their cultural and intellectual property rights in accordance with the UN Declaration on the Rights of Indigenous Peoples and the *Human Rights Act 2019* (Qld).  |