

PID Act Review

From a First Nations cultural perspective, when considering an amendment and/or the development of cultural considerations to the PID Act I wish to recommend that the cultural processes need to align with the s28 provisions of QHRA to ensure that First Nations perspectives and human rights are considered when First Nations people make public interest disclosures.

For example -

1. Strengthen protections for First Nations whistle-blowers: The PID Act should be amended to provide stronger protections for First Nations whistle-blowers, including provisions for confidentiality and protection from retaliation. This will align with the provisions of QHRA which guarantee the right to freedom from discrimination and the right to a fair and public hearing.
2. Address systemic barriers faced by First Nations communities: The PID Act should also be amended to address systemic barriers faced by First Nations communities when making public interest disclosures, such as language and cultural barriers, limited access to legal representation and lack of understanding about the complaint process.

A proposed solution the address this issue is to incorporate First Nations trauma informed practice in decision making processes by considering the historical and ongoing trauma experienced by First Nations peoples. This approach recognises that First Nations peoples have been subjected to colonisation, dispossession, and violence, and that these experiences continue to impact First Nations communities today.

By incorporating a First Nations trauma informed practice into decision making processes ensures that its policies and programs are designed and implemented in a way that considers the ongoing effects of historical and intergenerational trauma on First Nations peoples. This helps to promote equality and prevent discrimination against First Nations peoples, and to ensure that Government is not perpetuating harm or further traumatising these communities.

3. In addition to the systemic barriers, there needs to be an increased focus supporting, educating, and advocating for remote First Nations community members as they are increasingly disadvantaged, due to remoteness, numeracy and literacy issues etc.

A proposed solution to address this issue could lie with the Community Justice Groups, which operate in most remote First Nations communities. An advantage of educating Community Justice Groups in the PID Act empowers Community and provided community-based solutions. Although, I foresee that Community Justice Groups would require specific PID funding to enable the establishment of a consistent support networks between Government and community for this to occur.

4. Any departmental information regarding First Nations people and the PID Act should consider being in the traditional language for that region, for example the common First Nations languages spoken in Far North Queensland is Wik and Creole languages. These changes will align with the provisions of QHRA which guarantee the right to cultural rights, language rights and the right to a fair trial.

A NAATI certified cultural translation service I previous used for assistance and the development of culturally appropriate departmental material is 2M Language Services (<https://www.2m.com.au/supported-languages/>).

5. Provide cultural sensitivity training for PID Act stakeholders: All stakeholders involved in the PID Act process, including investigators and decision-makers, should receive cultural sensitivity training to ensure that First Nations perspectives and human rights are respected and upheld. Relevant training regarding First Nations Trauma Informed Cultural Capability exists, for example the Centre for Cultural Competence Australia provides relevant online training - (Weblink - <https://www.ccca.com.au/content/course-details?CourseID=5874>)
6. Increase awareness among First Nations communities: This can be done through education and outreach efforts aimed at increasing awareness about the PID Act, the protections it provides for those making public interest disclosures and the provisions of QHRA.

Incorporating these changes into the PID Act and aligning it with QHRA will help to ensure that the Act is effective in protecting the public interest and promoting transparency, while also ensuring that First Nations communities have access to appropriate protections and remedies when making public interest disclosures and that their human rights are respected and upheld.

For your consideration

