



Legislation Explained – First Nations Voice Bill 2022

What is proposed

The First Nations Voice Bill 2022 proposes a model that would provide First Nations people in South Australia the ability to speak directly to Parliament as well as engage with all levels of government. First Nations people would be able to have their say and engage with government about policies and services that impact on First Nations communities.

The draft Bill proposes a State-wide First Nations group is formed (the State First Nations Voice), to advise and address Parliament. It would be informed by, and made up of, a number of Local First Nations Voices.

The Local First Nations Voices would be established through an election process. Elected members would represent the voice of First Nations people at the local community level.

The State First Nations Voice would comprise two members (male and female) of each of the Local First Nations Voice. This would be the First Nations Voice that can advise and address Parliament and the Executive Government directly.

Below is a proposed model for what The Voice to Parliament could look like. The Commissioner for First Nations Voice is currently engaging further with the community, to hear the views on this design.

The key points of the model are as below.

The Voice Model

The Local Voice

Regions would be established across South Australia. The boundaries and number of regions is yet to be determined.

There would be an equal number of male and female members elected to each Local First Nations Voice.

Voting

In order to be able to vote in an election, a person must be:

- A First Nations person; and
- enrolled to vote on the State Electoral Roll.



Who can nominate for election

In order to be able to nominate as a candidate to sit on a Local First Nations Voice, a person must:

- be a First Nations person
- be enrolled to vote on the State Electoral Roll
- provide a confirmation of Aboriginality certificate or, if a certificate cannot be provided, a statutory declaration, to certify that you are an Aboriginal person
- specify whether they are nominating for the Local Voice region in which they reside or the Local Voice where their country is
- not be in prison or restricted by bail, parole or other agreement from travelling within South Australia
- not have been convicted of a serious criminal offence (as defined in the Bill) within the last 10 years
- not have been disqualified from acting as a director of a company under the *Corporations Act 2001* (Cth).

Appointment length and entitlements

A member of a Local First Nations Voice will:

- hold that position until the next election of members unless they resign or are removed from office in accordance with clause 14 of the Bill.
- be entitled to remuneration and allowances and expenses, such as food, travel and accommodation.

Roles and responsibilities

The Local First Nations Voice will:

- elect joint presiding members – one male and one female
- be able to engage with and consider the views of First Nations people in its region on matters of interest and communicate those views to the State First Nations Voice
- be able to engage and collaborate with public sector agencies, local government and other organisations
- meet at least four times a year and at most six times a year, unless the Minister approves additional meetings
- attend an annual joint meeting at a location to be determined by the State First Nations Voice
- be able to establish committees to advise the Local First Nations Voice or to carry out functions on behalf of the Local First Nations Voice.



The State First Nations Voice

The State First Nations Voice is comprised of the male and female presiding members from each Local First Nations Voice.

A member of the State First Nations Voice will:

- hold that position for so long as they are a presiding member of a Local First Nations Voice unless they resign or are removed from office in accordance with clause 28 of the Bill
- be entitled to remuneration and allowances and expenses, such as food, travel and accommodation.

Roles and responsibilities

The State First Nations Voice will liaise with Local First Nations Voices to ascertain their views in relation to matters of importance to First Nations people and present those views to the Parliament, the Government and other bodies.

The State First Nations Voice will appoint one female and one male to be joint presiding members. The presiding members will be able to address the Parliament.

The State First Nations Voice will have the ability to present directly to the Parliament.

It will be able to:

- address the Parliament on particular Bills of interest to First Nations people
- make an annual address to Parliament
- provide reports to the Parliament on matters of interest
- speak with Ministers and Chief Executives about the operations, budgets and priorities of their departments in an annual engagement hearing.

Elections

An initial stand-alone election will be held as soon as possible after the passage of the legislation to elect the first Local First Nations Voices.

Future elections will be held at the same time as the State general election.

Voting can be in person on polling day or via a postal vote.

Supplementary elections will be able to be held if the election of a member of a Local First Nations Voice fails because no person has nominated for the office or no votes are cast in the election. Supplementary elections may also be held if the office of a member becomes vacant during their term of office.



Other Matters

The Preamble

The purpose of the Preamble is to set out facts relating to the history of First Nations people in South Australia and to acknowledge their continuing language and culture. It has been intentionally left blank in the draft Bill as it will be drafted after further consultation with First Nations people.

Feedback is sought on the information/facts that should be included in the Preamble.

The Purposes and Principles of the Act

The purposes of the Act have been left intentionally blank as they will be designed and drafted based on feedback provided on the model during the second round of consultation.

FIRST NATIONS VOICE TO SOUTH AUSTRALIAN PARLIAMENT



Elections held for multiple regions



Equal number of men & women elected



LOCAL FIRST NATIONS VOICE



Talk about local issues & share views



Collaborate with public sector agencies, local government and other organisations



Two presiding members from each local voice region

Equal number of men & women



GOVERNMENT



Engage Ministers & Chief Executives



PARLIAMENT

- Entitled to be heard on Bills in Parliament
- Present reports
- Make annual address to Parliament