Commissioner for First Nations Voice to the South Australian Parliament

Engagement Report

August to October 2022

Acknowledgment of Country

We acknowledge and pay respect to South Australian First Nations people as the first peoples and sovereign nations of South Australia.

We recognise the cultural, spiritual, and heritage beliefs, languages and laws of First Nations peoples, that continue to be vitally important, as they always have been.

We acknowledge and recognise First Nations leaders, including younger people who will carry the voices of their communities into the future.

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About the artwork

Journey

This artwork represents all Aboriginal Communities coming together, standing strong and having a voice individually but are all together on the same journey of empowerment.

The waterholes represent the different Communities who are joined together with journey lines that show individual journeys but also the greater connection through culture.

The kangaroo prints represent the Aboriginal communities as they are moving forward as one on their Journey.

The vibrant colours are used to show that the Aboriginal people and communities will be seen and heard to raise issues in a display of community-led solutions and ultimately their Journey to empowerment.

Artwork by Gabriel Stengle
(Kaurna, Ngarrindjeri, Narungga)

Terminology

This report respectfully uses the term 'First Nations' to refer to people who identify as Aboriginal, Torres Strait Islander, or both. It recognises Aboriginal people and Torres Strait Islander peoples as two distinct groups. At times this report will also use the term 'Aboriginal'.

This report recognises there are people with Torres Strait Islander heritage living in South Australia. It acknowledges the complexity and diversity of the Aboriginal communities of South Australia, recognising each has its own beliefs and practices.

The term 'community' used in this report refers to First Nations communities or community, as distinct from the general community.

This report also uses the term 'Country'. Country is a term often used by Aboriginal peoples to describe the lands, waterways and seas to which they are connected. The term contains complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity.[1]

Use of imagery

We sought permission from community leaders and participants for their photographs to be taken during engagement sessions.

Photographs have been used on social media as a way of communicating publicly throughout this engagement process and to create a platform for communities to connect.

Signage was placed at the entrance and check-in station of each session advising that photographs would be taken and that individuals could request that their photos not be taken and or their images used. Participants were also asked prior to photographs being taken whether they agreed for this to occur.

First Nations people should be aware that this report contains images of people who were voluntarily and actively involved in our process and who may have passed away.

Care has been taken to be respectful of the wishes of participants and communities.

[1]AIATSIS (2022) Welcome to Country. Available at: https://aiatsis.gov.au/explore/welcome-country (Accessed October 2022).

Commissioner's Introduction

I am a South Australian with community and cultural connections with Kaurna, Narungga, Ngadjuri and Ngarrindjeri language groups. It is with a sense of optimism I bring forward this report.

Holding previous roles working in State Government, working with community, and holding positions on community Boards, I take on the role as the inaugural South Australian Commissioner for First Nation Voice to Parliament with experience and background in bureaucracy while having strong connections in the community.

Appointed to the role in July 2022 I report to the Attorney-General of South Australia who also holds the responsibility for the portfolio as the Minister for Aboriginal Affairs, the Honorable Kyam Maher MLC.

My role as Commissioner for First Nations Voice to the South Australian Parliament includes:

- Speaking with First Nations people living in South Australia to seek feedback on their views, thoughts, and ideas on how a First Nations Voice to Parliament model could work to represent their local voices.
- Providing feedback from these conversations to the South Australian government through the Attorney-General.
- Working with the Attorney-General's Department to assist in the drafting of legislation for the state government to consider.
- Working alongside the government's Aboriginal Affairs and Reconciliation division to develop an understanding of existing advisory structures and how they interact with the community, state agencies, and the government.

My team and I have travelled across our state holding 30 engagement sessions. We were warmly welcomed into communities, to hear their views and perspectives. Each region and community wanted to raise issues for their community, which have been documented in this report.

Overall, First Nations people expressed a sense of optimism for the future, despite the exclusion, powerlessness and inequalities our people experience. There has been a consistent and overwhelming message - First Nation South Australians want their voices heard in the Parliament of South Australia.

The task of implementing a First Nations Voice to Parliament in this state will see a change for the better as we move towards a path of equal footing for equal decision making.

Like several Commissioners before me, it is also my view that sustainable change for First Nations people is only possible by having First Nations people at the center of decisions that have a direct impact on their lives.

Dale Agius

Commissioner for First Nations Voice, South Australia

Purpose of this Report

This Report summarises findings from the first stage of my state-wide engagement to hear the views of the First Nations people regarding a Voice to the South Australian Parliament.

I spoke with people about how The Voice could be established, how The Voice could reflect the diversity of First Nations communities, and how The Voice should be heard by the South Australian Parliament and other decision-makers.

Overwhelmingly I heard that First Nations South Australians want to have a say in their affairs and influence the decisions that affect the lives of their families and communities. I heard that a Voice to the South Australian Parliament, inspired by the Uluru Statement from the Heart, can deliver this.

People told me that they want strong, local, grassroots representation, and representation that reflects the diversity of their communities. Representatives should be chosen by First Nations people, for First Nations people, and should speak directly to the Parliament and key decision-makers. I heard the Voice should be underpinned by cultural frameworks and designed to grow and evolve over time drawing on learnings and success.

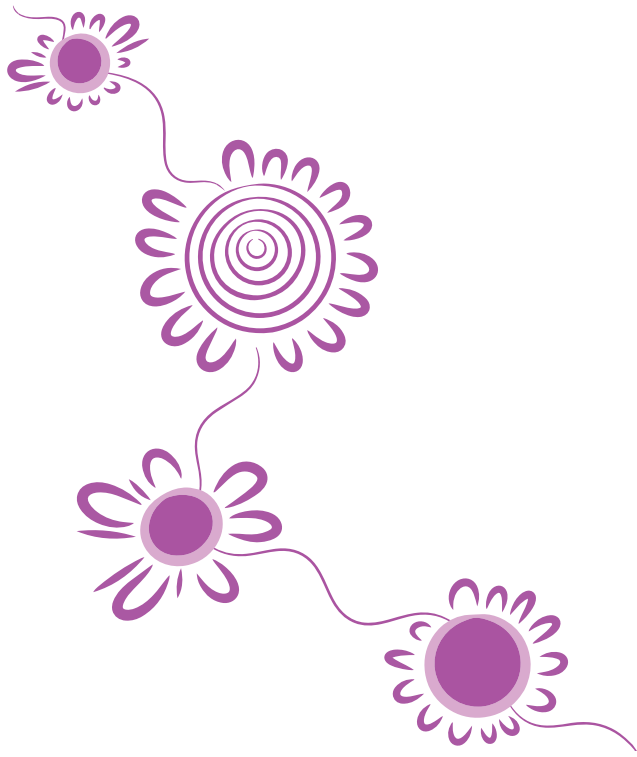
There remain some elements requiring further consideration before the Voice Structure can be finalised. This includes how electoral boundaries are established, how people can nominate to represent their communities, and the way in which elections are conducted.

This report reflects First Nations communities' views on these issues. It has been prepared for the South Australian Minister for Aboriginal Affairs and Attorney-General, the Honorable Kyam Maher MLC, and it will inform the Government's next steps to design The Voice.

I will be commencing a second stage of community engagement, to further discuss the issues for resolution raised in this report. The outcome from this further engagement will inform the final design of The Voice, which the Government will present via legislation to the Parliament of South Australia.

It is important to note that the sole focus of my engagements, and the feedback in this report, is on establishing a First Nations Voice to the South Australian Parliament. This report does not include views related to the national process to establish a Voice to the Federal Parliament, which is being led by the Federal Government at the same time as the South Australian Government's process.

As such, throughout this report, 'The Voice' or 'Voice to Parliament' always refers to a Voice to the South Australian Parliament.



Uluru Statement from the Heart

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is the torment of our powerlessness.

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

Background

Voice Treaty Truth

In 2017, following a series of regional dialogues across the country, a delegation of Australia's First Nations people gathered at Uluru to endorse a series of reforms aimed at empowering First Nations communities to take control of their future.

> ***'Our people decided that the political power to influence decisions about us – decisions that affect our health, our livelihoods, our wellbeing and justice – is the most important step to progress our interests...'***[2]

The Uluru Statement from the Heart, as it is known, proposed three reforms: Voice, Treaty and Truth. The first reform calls for the establishment of a First Nations Voice to Parliament.

The order these reforms were placed, Voice, Treaty and Truth, was intentional – to indicate the sequence Uluru Convention members recommended each to be implemented.

It is hoped that by enshrining a Voice to Parliament first, Treaty and Truth can occur on a more equal footing between First Nations people and the government (at all levels) by being included at the front, rather than at the end of the process.

The Uluru Statement from the Heart speaks to all levels of government – state and federal –- to implement Voice, Treaty and Truth.

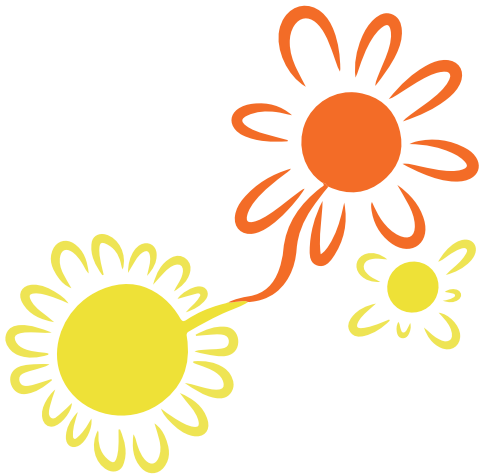
What is a Voice to Parliament?

A Voice to Parliament is a structural reform that will 'create an institutional relationship between governments and First Nations (peoples) that will compel the state to listen to Aboriginal and Torres Strait Islander Peoples in policy- and decision-making.' [3]

The Voice's primary function would be to provide advice directly to the Parliament on matters that affect First Nations peoples and their communities. The Voice could influence laws, policies and programs at the highest level of decision-making.

The Voice can provide First Nations people a path directly to the Parliament, centred on self-determination and empowerment.

It is not intended that the Voice would administer programs nor would it be able to veto laws made by the Parliament.



[2] Thomas Mayor *Finding the Heart of the Nation* (Second Edition), Hardie Grant Publishing 2022, page 52.
[3] Megan Davis and George Williams *Everything you need to know about the Uluru Statement from the Heart* UNSW Press, page 152

Delivering on Uluru Statement from the Heart in South Australia

The South Australian Government has committed to a state-based implementation of the Uluru Statement from the Heart and has committed $2.1 million in the 2022-23 State Budget to commence the process of implementation, with a Voice to the South Australian Parliament as the first reform to deliver.

Engagement process

I have travelled across the State, meeting with community groups in seven metropolitan and outer metropolitan locations, and with 17 regional and remote communities.

The following is a breakdown of engagement locations:

Adelaide and outer metropolitan:

- Adelaide City (Tandanya)
- Christies Downs
- Elizabeth
- Port Adelaide (Tauondi College; Tiraapendi Wodli)
- Salisbury
- Mount Barker
- Murray Bridge

Anangu Pitjantjatjara Yankunytjatjara (APY) lands:

- Pukatja (Ernabella)
- Kaltjiti (Fregon)
- Mimili
- Iwantja (Indulkana)

Regional South Australia:

- Barmera
- Berri
- Ceduna
- Coober Pedy
- Koonibba
- Maitland
- Mount Gambier
- Oodnadatta
- Port Augusta
- Port Lincoln
- Port Pirie
- Scotdesco
- Whyalla
- Yalata

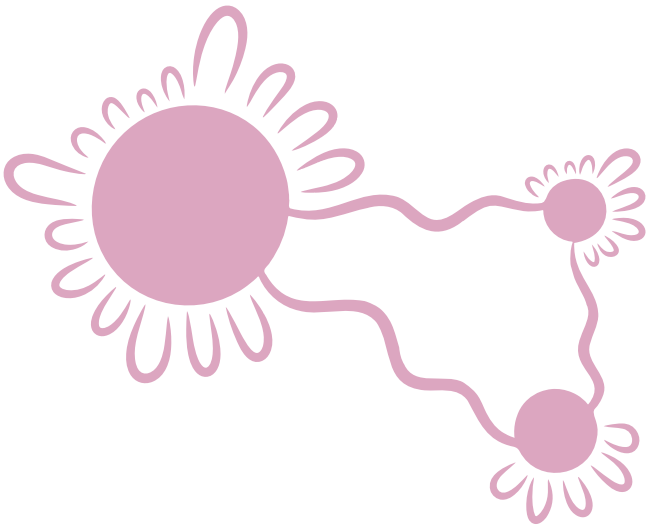
Community engagement sessions

At each community engagement I facilitated the conversation after first being introduced and welcomed to proceed by local leaders and participants. I would often speak with community leaders before commencing the conversation, to seek their views on how to best engage. In some places the local leaders led the conversations themselves.

At each session I asked four principles-based questions to gain the views and aspirations of First Nations peoples for the overall structure of The Voice to the South Australian Parliament.

The questions were:

- Should The Voice be appointed by the government initially or elected by the community from the very start?
- Should The Voice represent the diversity of the First Nations community – including Elders, men, women and young people?
- Should The Voice be able to provide advice directly to parliament rather than through another body or committee?
- Should The Voice be able to engage with other areas of government in addition to providing advice to parliament?



Themes emerging from community engagement

This section of the report outlines the views expressed by the First Nations communities I met with. These are outlined in the report through the following components:

- Why is The Voice important?
- Who is The Voice?
- Where should The Voice be heard?
- How should Voice representatives be chosen?

Throughout this report I highlight the areas of strong community alignment as well as where there are differing views. I also highlight matters communities told me need further consideration.

Why is the Voice important?

"A Voice to Parliament is a practical reform, not merely symbolic as some have argued because policy and legislation decisions affect everything we struggle with: housing, justice, health, education, community infrastructure. The list goes on.

Gaining a greater ability to influence the decisions that are made about us is the most practical reform we can achieve in a democracy."[4]

First Nations people told me clearly – they want to have a say in their lives and the affairs of their communities. They want to have the ability to properly influence decision-making at the highest levels and to have their voices heard where it counts. I heard many stories about people continuing to be excluded and ignored from the decision-making that impacts them the most - decisions of the South Australian Parliament and local and state governments.

I have also heard about the disconnect First Nations people experience in the political processes that affect them. People told me they feel disengaged from their elected representatives, and feel their voice only counts in the lead up to an election. I heard from communities who said their ability to self-govern and make decisions for their people has been eroded overtime by successive governments, and that they feel ignored and abandoned.

Communities often shared their frustration about a lack of autonomy to make decisions for themselves. First Nations peoples in Australia have fought for many decades to be heard in the political process - to be included in decisions on the issues and interests of their communities. They have told me they do not want politicians and bureaucrats making decisions for them and without them.

"The Government is already using its voice.
It's not working.
We've been excluded.

Our young people feel like they have no future...
We want a future.
We want health care,
education, training and jobs."

(APY Lands community member)

Communities have the knowledge, solutions and frameworks that work best for their people - the Parliament and government need only listen and hear their voice. One of the clearest messages I heard in these conversations was that 'we have waited too long.'

Structural racism and the lack of representation within governing institutions also degrade the trust that people place in these institutions. People told me they feel their knowledge and skills are discounted and overlooked. The torment of our powerlessness, as expressed in the Uluru Statement from the Heart, continues to be felt on a personal and community level throughout South Australia.

When decisions about policy, service design, and funding are made without the community's voice, without hearing the expertise and lived experience from the ground up, the outcomes of these decisions cannot serve the community's best interests.

Without structural reform to ensure the voices of First Nations people are heard, we cannot expect to see lasting positive outcomes for people and their communities.

[4] Thomas Mayor *Finding the Heart of the Nation* (Second Edition), Hardie Grant Publishing 2022, page 55.

Communities have expressed the clear strength and know-how that exists within First Nations communities. The Uluru Statement from the Heart, and its message has been described as needing to be the platform that 'drives the way forward' (Port Lincoln community member). One person spoke of the Uluru Statement's power, in how it made them feel connected to something bigger and filled them with pride and with hope. They spoke about the messages within the Uluru statement as something all people should listen to and follow.

People have firmly conveyed that the culture and spirit of First Nations peoples can provide the solutions and structures for their communities to achieve their aspirations. Governments need to empower First Nations communities by letting them speak for themselves as they know how best to support their people.

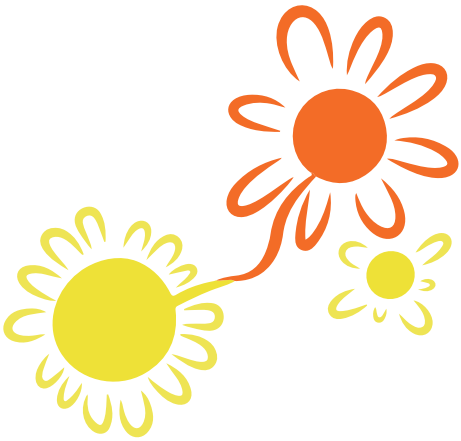
As the Uluru Statement from the Heart offers, 'When we have power over our destiny our children will flourish. They will walk in two words and their culture will be a gift to their country.'

"There has been noticeable action since the recent elections on Aboriginal business. It is eye opening and exciting to see this occurring. Although it can be a little quick, it is good to see it happening now because our Old people have been working for this voice for a long time – for too long. Issues are now being dealt with in mainstream government business, which is important."

(Berri community member)

"We talk in our own voice, rather than people in the city. We talk on the same level, with one voice all together. We talk from the heart, and we can understand what we are talking about. This is an opportunity; we have been waiting for years. We want Anangu voice to be heard, from the country and the city, to be heard as one. Everything comes from our heart."

(Yalata community member)



Who is the Voice?

My engagement sessions focussed on talking with communities about key principles to inform the design of The Voice. Underpinning these conversations were questions about 'who is the Voice' and 'what does it need to reform'?

There was a strong and consistent response regarding the principles that should inform The Voice. These were:

- The Voice must be underpinned by self-determination, and as such, representatives must be chosen by First Nations communities themselves.
- The Voice must come from the grassroots level and be able to speak for local issues.
- The Voice must reflect the diversity of First Nations communities – it must reflect regional issues, and speak for men's and women's issues and for Elders and young people.

Self determination

I asked First Nations South Australian's to tell me whether they wanted to decide who represents them from the outset or if this should be decided by government appointment. The response to this question was clear – First Nations people want to choose their Voice.

This question provoked a deeper discussion about what mattered most to First Nations communities – and central to this is self-determination. I heard that for First Nations people, self-determination means they make their own decisions for their own lives in their own local areas.

At every engagement, people told me that each First Nations community across the state knows their issues and solutions best. As such, only the local community can know what it needs. People told me that top-down solutions have not been hitting the mark, and programs come and go, and no one knows why.

I saw, and I heard, the strong leadership that already exists in each First Nations community across the state. Each community has leaders who are working to drive change. But they need to have access to the structures and resourcing to influence change at the highest levels. Each community said it is the local community who will know who is best placed to put the community's collective views forward – not Government.

"The government doesn't realise that we speak for our people all the time. They don't know what happens on the ground. We do."

(Port Augusta community member)

During these discussions I received a decisive response – the Voice must be chosen by the South Australian First Nations community. This was supported by the written survey responses, which had very few responses expressing any desire for a Government appointed approach.

"Community elected! Through the generations we have never moved away from the community having a voice, and through the different governments we've dealt with over the years, we've never changed our thoughts about having a voice. The community knows what they want – they want to have a voice in government on our concerns and our issues. This is a no brainer! Get on with it."

(Salisbury community member)

Most considered government appointed membership – even for time limited periods – as contradictory to the aims of The Voice. Many expressed strong frustration at appointees in other roles or advisory bodies being in their words "cherry-picked" by government. The appointments were viewed as suiting government agendas, rather than representing what is best for the community. I heard that electing representatives, rather than being government appointed, would establish a strong foundation from the outset for the Voice to be self-determined and help build trust between the First Nations community and Government.

"It shouldn't be chosen by government if it's for the community it should be from the community."

(Maitland community member)

Community members view The Voice as an opportunity to change the way First Nations people and government interact. This means not just establishing a mechanism to speak to Parliament, but also allowing First Nations communities to choose who gets to speak on their behalf.

"This is not the "same old" thing. We want it to represent the community."

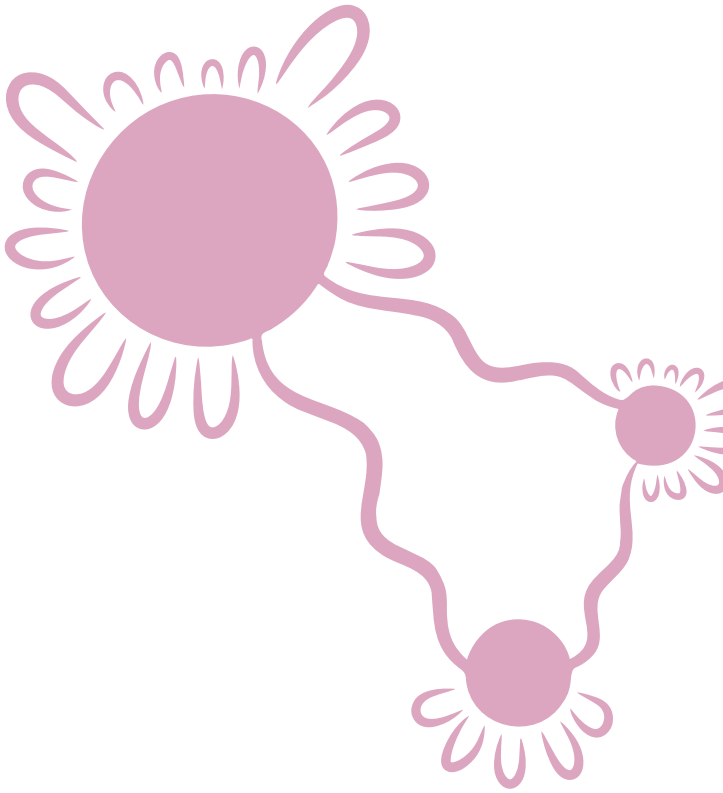
(Christies Downs community member)

"Election by the community would be a better way to hold Government to account at a community level. It creates a strong position for us to be heard if Government doesn't do what is right by the community."

(Elizabeth community member)

Some, but not all, participants raised possible hybrid-approaches, with both appointed roles and elected roles. Initial government appointments could be a pragmatic option to allow The Voice to be established more quickly. On the most part, this was underpinned by recognition that those representing The Voice may need specific information, skills or resourcing. For example knowledge of how Parliament operates; the processes of government; and legal frameworks. Participants suggested executive support for the Voice, or ex officio membership, could help address this. Generally, these views were raised as possibilities but not preferences – most advocated that The Voice must be elected by the South Australian First Nations community.

First Nations communities told me that choosing their own representatives from the outset of The Voice would help change the status quo, and bring First Nations South Australians onto more equal footing. Ultimately it should build greater trust between government and First Nations communities.



Diversity

Overwhelmingly, the South Australian First Nations community told me that The Voice must represent the diversity of the community. This was reflected in my engagement sessions, and through the written surveys, which had 90 per cent of people responding for the structure to have mechanisms for diverse representation.

People told me that First Nations communities are inclusive by their very nature and that the voices of all South Australian First Nations regions and communities should be heard. All First Nations people – men, women, Elders, and young people – should have the opportunity to be represented in The Voice. The Voice will have been seen to fail if it does not do this.

"Diversity and representation is the Nunga way. We want to have everyone at the table - it's just the Nunga way."

(Scotdesco community member)

The benefits of diversity and representation are well documented. People told me in most sessions that when a group of diverse individuals come together, they are stronger for it, as they are able to share and learn from one another.

Geographic representation

Each community I visited told me that there is not a singular South Australian First Nations Voice, but many. Each First Nations community across the state is different – with different priorities, issues and needs.

I heard from local communities about their specific issues – for example, related to employment, housing, and service access. South Australian First Nations communities are seeking for the Voice to enable local community-led issue identification and solution design with government. I was told that for the Voice to succeed it must come from the grassroots and be fed up to the Parliament.

"Us Anangu, we don't get our voice heard, or the opportunity to have someone represent us from our community. Being an Aboriginal person, we have a lot of issues. I am speaking from my community. I want my community to have a Voice, and not have another community speak for us."

(Yalata community member)

The Voice will need to represent the geographic and cultural diversity within the South Australian First Nations community. Communities told me there is no consistent First Nations state-wide view and no singular First Nations approach. There should be multiple people who are The Voice, and the most significant criteria to electing these people is that they should be able to speak for their local or regional community.

"If we all come together in a common direction to talk, we will have a stronger voice."

(Port Pirie community member)

"We have a diverse range of communities across the state. It could be hard for a person who has grown up in urbanised areas to speak for people who have lived in remote communities. You need to get diversity between gender and age, but also diversity across urban, regional and remote areas. You could break it down, so the regional approach acts in the same way as an electorate."

(Whyalla community member)

Gender

There was near universal consensus that gender balance was important and should be guaranteed in the structure of The Voice. This view was expressed across all locations and amongst a variation of participants.

Gender balance was viewed as important in ensuring that both men's and women's issues are considered equally. For example, one participant shared that gender-balance is extremely important for him, and that he should not speak for women on their specific issues of importance as that was not his place, and not informed by his own lived experience. He said that those lived experienced voices need to come from our First Nations women, in the same way that male lived experience should come from First Nations men.

Communities told me that while gender diversity already exists within cultural practices, the impact of misogyny and sexism within communities restrict and silence the views of women. The concept of male dominant approaches was regularly raised as an issue The Voice model needs to contemplate and work to prevent. The same was expressed in the context of female dominant approaches.

"Women need to have a voice too. They need to be visible. We are the child-bearers. We need a strong voice."

(Coober Pedy community member)

Age

Many communities highlighted to me the significant social issues that young people and elders are experiencing. First Nations youth experience higher rates of suicide than the general population. Communities spoke of high rates of youth unemployment, with First Nations young people often having to leave Country to find suitable work.

"There's no future here for young people. No jobs, no employment, no training."

(APY Lands community member)

First Nations older people spoke of insufficient disability and aged care services, as well as the historic legacy of trauma. Furthermore, housing and cost of living pressures impact more significantly on young people and older people.

To respond to the specific issues that both First Nations young people and elderly experience, they need to be specifically considered in the structure of The Voice.

As well as the challenges older and young First Nations people face, communities also spoke of the important place each group has within their communities, and the skills and strengths they would bring to The Voice.

Elders are seen as critical to the strength of The Voice. Communities spoke with great respect of their leadership, knowledge, wisdom, and strength. People spoke of Elders role in leading their communities, passing down culture and nurturing the next generation of leaders. This cannot be understated.

"We can learn so much from the journeys of our Elders. They are still battling with the issues they were fighting for as strong activists in their time. We are not always aware of what has been done before us."

(Maitland community member)

Young people were equally seen as a vital part in ensuring a strong Voice to Parliament. Unsurprisingly, young people were acknowledged as representing an inclusive future. For culture and knowledge to live on and thrive, young people need to be actively involved through leadership and development experiences, with appropriate support, training and mentoring from within their communities. It was also recognised that like all others, the experience of young people is diverse. This diversity of their lived experience, education and training, and community connection needs to be represented in The Voice.

"It is important to be inclusive, especially of young people – it is their future."

(Port Adelaide community member)

Some people raised that youth may need their own forum to speak about their issues. First Nations young people may be less inclined to share their views or seek to speak in Parliament, either because of lack of confidence, or out of respect when First Nations Elders are present. As one participant said

"Young people silence themselves when Elders are around out of respect."

(Mount Barker community member)

Conversely, some people raised that Elders and young people need to be involved in The Voice together, so that elders can nurture the next generation of leaders through mentoring, to build confidence and impart wisdom. And it would also allow Elders to learn about the issues that are important to young people.

"It's not about "just having elders" or "just having youth". You need them both there. They can bounce off each other."

(Salisbury community member)

"There are many vocal young people who have a voice in the community who could do this. There could be an option to pair them with an Elder, as a role model to guide and support."

(Berri community member)

Other views on diversity

Some people raised that a broader approach to diversity could be considered to include other specific lived experiences, for example Stolen Generation survivors; people living with disability; and LGBTIQA+ people. People put forward that this could fit within nomination and election processes.

A minority of people expressed that diversity, whilst important, does not require mandating if the community are confident in the ability and qualities of the individuals elected. The sentiment followed that if an individual was elected, irrespective of gender, age or other characteristic, they would be expected to engage with the whole community and demonstrate through action that they are working to effect positive outcomes for all.

Adequately resourced

Communities told me that they do not lack the capacity to deal with their issues – they lack the resourcing to empower their local communities to drive their own solutions.

For First Nations people to have an effective Voice to Parliament, people told me it will require adequate resourcing, to allow them to engage in the strongest way possible.

The communities I met with had varying local governance structures in place – some of those structures were long-standing and sophisticated, others less so – with the level of accessible resourcing accounting for the difference. I heard that for The Voice to have grassroots representation, each local community's leadership structures must be bolstered.

I heard from many about the significant responsibility which can be expected of The Voice representatives. This is likely to involve time-intensive engagement with local communities to seek input and consensus views, as well as engaging with complex legislative and parliamentary processes. Communities raised that if these roles are not given adequate renumeration, this will act as a barrier to people nominating and it will be more likely that only the people with the means or resources to contribute their time for free or low-cost would be able to stand as The Voice. As one participant said:

*"Aboriginal people don't clock off at 5pm.
This will be a big job.
It could be a full-time job.
If there is no pay for the role, it will
cut out a lot of people from nominating.
There needs to be a budget,
a room to rent, sitting fees or a salary,
access to meeting rooms."*

(Ceduna community member)

*"Will it be run on love or well-funded?
If it is only run on love it will be
interesting to see how many
people put themselves up?"*

(Whyalla community member)

Many communities raised the importance of access to knowledge and expertise, for example on government and parliamentary business. Community members said that working alongside people experienced in navigating these structures can support The Voice representatives to gain skills and expertise. Some advocated that The Voice should have ex-officio roles filled by First Nations people with specific technical expertise, whilst others considered this could be dealt with by giving The Voice adequate staffing support.

Overall, communities expressed that for The Voice to be effective it must have adequate funding. This includes:

- **Renumeration for representatives** – for representatives to be renumerated for their time, as well as funding for travel and accommodation costs.
- **Administrative funding** – including for staffing, meeting venues, technical equipment and other operational costs.

[5] The majority of the surveys completed - over 90% - specified they wanted The Voice to speak directly to Parliament, with only 4% responding 'no' to this question.

Where should the Voice be heard?

At engagements, I asked communities to consider where they want their voice to be heard – whether they want to speak directly to the South Australian Parliament, or whether they wanted their views heard by another body or committee. Additionally, I asked whether communities want to speak to key government leaders and decision-makers, as well as Parliament.

The response to this question was clear and near unanimous across all conversations, and this was reflected in the survey responses. All attendees want The Voice to speak directly to Parliament. They do not want their message diluted by another body or committee.

People expressed that a Voice to Parliament directly also allows for transparent information and records of Voice advice. Communities felt that some of the existing or previous advisory structures did not have transparent reporting back to communities. As people told me that Parliamentary reports are made public there can be no dispute about what the Voice has said to Parliament, and everyone can access this information.

Speaking to the South Australian Parliament allows The Voice to speak to the elected representatives responsible for passing legislation, who make decisions with significant impact on First Nations people's lives. Communities also recognised that there are significant decisions made outside of the Parliament, by the Executive arm of Government including via government departments. This can often be where policy decisions are made, resources are allocated, and services are designed.

"You should go straight to the top. That's the only way we're going to be heard. You go through other people and they have their own agendas."

(Koonibba community member)

In keeping with the desire for a strong and self-determined Voice speaking to the highest levels, most expressed a desire to meet with Cabinet, Senior Government Ministers, and public service Chief Executives. Communities particularly wanted to speak to the decision makers responsible for the health, housing, justice and local government portfolios.

"The Voice should go directly to the Parliament. You started this voice off; you need to finish it and go straight to Parliament. You'd get mixed messages otherwise."

(Oodnadatta community member)

"We would want to meet with Cabinet, they've got all the power. Not just talk to Parliament. Should be able to talk to those with responsibilities for Housing and Education etc."

(Koonibba community member)

Many expressed a desire for The Voice not just to speak to Government but for government to 'speak back to community', giving information to The Voice, which would assist them to form positions.

"The issue is also – how can agencies connect to the voice. There is responsibility both ways. There needs to be engagement and communication channels both ways."

(Elizabeth community member)

Many of the regional groups also advocated for more influence at the Local Council level. They expressed the entrenched and systemic racism they are experiencing in their town or region, which further excludes First Nations communities. And this dynamic is played out within Local Council itself, where First Nations communities views are often not included or sought.

Engagement on systemic local governmental issues could be raised by The Voice speaking at a state-wide level with the Minister for Local Government. However, it was the preference from community that Local Government engagement should occur at a regional-level Voice rather than state-wide, which would allow local issues to be direct addressed.

"Local Councils could be working with regional groups or sub-groups of the Voice to address grassroots issues. This could be the way to ensure all Councils actively work with the Voice and the communities. There are still experiences of racism and other negative treatment that occurs. This impacts engagement and interaction between Community and Council."

(Berri community member)

I also discussed if people want the Voice to meet with First Nations community leaders and peaks, such as leaders within the South Australian Government or the South Australian Aboriginal Community Controlled Organisation Network or First Nations elders and working groups. Whilst there was some interest in meeting with these groups, the predominant focus was on the top-tier of government decision-makers.

How should the Voice representatives be chosen?

This first stage of community engagement was designed to focus primarily on the four principle-based questions referenced previously in this report.

During engagements conversations flowed into a deeper discussion beyond 'why' and 'who', to 'how' should the Voice operate and 'how' do First Nations people get to have their say on who represents them. Communities stressed the importance of needing to get it right and with flexibility to grow.

Communities and leaders have been involved in conversations leading into the Regional Dialogues that led to the Uluru Convention, and ultimately the release of the Uluru Statement from the Heart. I observed that communities have been following with interest and anticipating the further conversations about what is next.

Throughout this engagement process, a clear preference for a structure for the Voice emerged, and this was consistent community by community.

All groups raised that they want local representation, to ensure the Voice has grassroots connections from and to individual communities with regional connections to a state-wide voice.

First Nations communities therefore expect to be able to elect their local representatives. Designing this process will be a critical component for delivering the Voice to the South Australian Parliament. A range of views and opinions were expressed on how to do this. A clear consensus did not emerge on all points.

This section outlines the community-led discussion on areas needing further consideration and is divided into the following components:

- Election principles.
- Electoral boundaries.
- Nominating for the Voice.
- Voting for Voice representatives.

Election principles

The community were clear with me that the Voice must be underpinned by a set of clear principles and a strong cultural framework to ensure the Voice remains above reproach. The following are examples of principles raised in multiple sessions:

- **Accountability** – the Voice must be accountable to the people it represents and act in accordance with the people's wishes and face appropriate consequences for not acting as such.
- **Transparency** – the Voice needs to operate openly so that the people can see what decisions are being made for, and on behalf of, the community. The Voice must be honest in its dealings with community.
- **Fairness** - the Voice must be impartial, free from favouritism, discrimination and nepotism.
- **Inclusion** - the Voice needs to represent all peoples and communities equally, respecting the diversity of beliefs and lived experience.

People told me that their representatives would need to have integrity and honestly represent all interests in the community. Some expressed fears around family groups gaining strongholds over roles of authority, which can shut others out of that community or conversation. The Voice needs to support communities as a whole.

"You have to be mindful of agendas. Would the person act for the betterment of their community or are they feathering their own nest?"

(Port Adelaide community member)

There was a strong recognition across all groups that the people who seek to be nominated will need to be highly skilled, with the ability to engage the whole community and feed their views up. Many highlighted the importance of trust and integrity, and of the person having a strong reputation and standing as someone considered credible in that community.

"There needs to be integrity in this process. I want to know that whoever is going in there is going to represent us."

(Mt Barker community member)

Many participants raised that those nominated must have the experience and skills to do the job. This was described in different ways, including experience of government or western legal structures; understanding of First Nations cultural frameworks; having strong cultural integrity; and the ability to decolonise the processes and responses which hinder First Nations communities.

"You need to prove that you have some ability to undertake this work. Too many times we have seen when people get through on popularity when they might not have the skills or know how."

(Scotdesco community member)

Electoral Boundaries

The majority of community feedback preferred to elect local or regional representatives to guarantee that local voices are heard.

This will require electoral boundaries to be established to represent South Australia into regions with people elected to speak on behalf of those regions.

A key question raised in these conversations was whether these boundaries should be drawn at a local community level or at a regional level. A small number of participants preferred to have representation from each First Nations community in South Australia, recognising that this would provide for every community to be represented. Communities identified that a risk in this approach is it could become too convoluted and resource intensive.

With some conversation most expressed a preference for regional councils made up of local voices representing each community. Regional boundaries became the focus of the discussion for many groups who indicated support for this approach.

"The election process should be region-based. People who are living on a different Country to where they are from need to be able to participate in the Country they are living in. The Voice needs to be able to represent all the cultures in South Australia... But also, Government needs to have an understanding that there will be multiple view-points because of the diversity of First Nations cultures."

(Elizabeth community member)

A range of considerations for defining boundaries were raised, including:

- Electorate regions (local, state, federal)
- Population numbers
- Nation groups
- Former Aboriginal and Torres Strait Islander Commission (ATSIC) boundaries
- Aboriginal Lands Trust
- Native Title.

A range of opinions were expressed as to these options. The preference that emerged was for existing state electoral, and nation group, boundaries to be considered in this process.

There was little to no support for existing local and federal electorate boundaries. Population numbers were not favoured, as smaller communities raised that this approach dilutes communities who have significant issues but smaller populations, who already feel overlooked. Smaller communities shared their concerns of not wanting their communities to be overshadowed by the voices of larger communities.

The ATSIC principles of representing First Nations voices received praise across conversations. However, people expressed a preference for more regions than the three regions in South Australia under the former ATSIC model. This would enable greater local and regional participation and representation under a new Voice structure.

"They need to have zones like what used to happen with ATSIC. It wouldn't work if we had people from each community."

(Port Lincoln community member)

Some participants expressed a preference for boundaries to be defined by Native Title or Aboriginal Land Trust boundaries, this was not supported by most people in most sessions. Native Title was seen to have its own remit where The Voice aims to present inclusive views across all First Nations South Australian's.

Communities raised that existing self-governance arrangements related to land management in the APY Lands and Maralinga Tjarutja communities will need to be considered when designing The Voice. It was suggested that these two areas could be their own regions or joined with other areas to form broader regions. The Voice would not impact on their existing legislative arrangements.

People told me that when Governments impose geographic boundaries that do not reflect community's structures and preferences it can cause tensions because it does not consider First Nations cultural frameworks. And it can contribute to the sentiment that decisions are being made for, and not with, First Nations people.

As was demonstrated in these conversations, there are complexities to work through on the approach, in order to consider ways to find First Nations regional alignments that can empower communities.

Given these complexities, any boundary decisions will need careful crafting with South Australian First Nations communities and leaders coming together to design it in partnership before being implemented, such as a reference group or state-wide forum.

"We need to all come together, especially when there are multiple nation groups, to have a state summit to deal with these boundary issues."

(Port Augusta community member)

Nominating for the Voice

There are several components that need to be considered in determining who should be able to nominate to stand in an election to be a Voice representative.

When discussing the criteria for a person to nominate, overlapping issues were raised related to cultural authority, community standing, and leadership. There were different views about how to define this in the most appropriate way whilst also ensuring the Voice represents all First Nations people in South Australia.

Determining which community or region someone can represent

At the engagements people discussed the delineation between custodianship and local leadership. Views expressed were related to who has the authority to speak for a local community. A small number expressed that the only culturally appropriate way would be for traditional owners to be The Voice. Those who favoured this approach told me that they are the only people who can represent and speak for their Country as the knowledge holders and custodians of culture on their Country.

"I think it should be traditional owners of the area where you come from. For us it's more about 'who' is speaking for us."

(Murray Bridge, survey response)

Majority of feedback acknowledged there are many people living on Country who come from a different place, including Country outside of South Australia. They raised concerns that limiting eligibility for these people to stand for The Voice would mean that First Nations community leaders who live in the community but whose Country is elsewhere would not be eligible to nominate.

"There are people who live on Country who are not from Country. If you are truly going to represent the Community, you should be in the community, not just from that Country. It should be for the people who hear and see what is happening locally and who are actively involved in supporting the community."

(Port Lincoln community member)

"If you are in our community and have lived in our community then you should be included in the process. There are many people living here who are not living on their traditional Country."

(Murray Bridge community member)

Additionally, people raised that this would mean people who have been disconnected from their heritage, such as Stolen Generation survivors, would not be able to nominate.

"We want to bring cultural identity, but for those who have been stolen, we can't leave them out in the cold – because it's not their fault. We should not exclude them, we should include them."

(Christies Downs community member)

The delineations between traditional owners and local leaders were often talked through between community members during the engagement sessions, who recognised the sensitivity of this issue. Often there was a strong preference for nomination eligibility to be based on where you lived. Sometimes people would initially prefer an approach based on traditional owners, but once the complexities of this became apparent, they supported a broader approach.

On the most part, people were comfortable with The Voice to be able to speak to the social issues present in that local community, and nominations not being limited to custodianship alone. Communities may decide through the voting process, however, to elect a custodian if they consider they are the most appropriate representative for their community.

"If community says we want to elect our own people – we have to look at the cultural links that community has. We all have cultural links that are so far and wide. This is for the region to decide, you have to give them that option."

(Salisbury community member)

"Elections should be based on where you live, not just custodianship."

(Port Pirie community member)

Standing in the Community

At many engagements, people discussed the importance of candidates needing to have good standing in the community.

The most important view expressed was that whoever becomes a regional Voice representative must be from the community, understand their local issues and have the cultural or local authority to speak on the community's behalf (or the support of local authority via nomination and election to do so).

It was suggested at several engagements that whomever seeks to nominate should be able to demonstrate their standing in the community when submitting their nomination. For example, nominees could be required to provide letters from First Nations community members in support of their nomination to demonstrate support.

"It has to be someone who knows the struggle, who has lived here and knows things firsthand."

(Barmera community member)

Guaranteeing diversity in the nomination and voting process

As outlined earlier in my report, I have heard the Voice needs to represent the diversity of First Nations communities.

"All mob are different within community and all mob should be represented."

(Maitland, Survey response)

Gender balance

Gender balance must be guaranteed in the Voice structure. The most straightforward way to achieve this would be to build into the Voice structure a requirement for there to be an equal number of places for male and female representatives. Further, consideration should be had as to the composition of the leadership within the Voice to ensure there is gender. This could be achieved by requiring a male and female co-chair. The Voice structure would need a process to address circumstances where less than the minimum number of nominations for seats from one gender are received and dealt with.

Elders and youth representation

Despite there being broad consensus that Elders, and young people need the ability to be formally represented in The Voice structure, there was no definitive or consistent approach emerging from this stage of engagement about how. Determining how this representation will be achieved will need to be refined further.

The predominant observations and considerations include:

- **Designated seats or assemblies** – There were mixed views as to whether or not to reserve seats for Elders and Young people on the Voice, or if it would preferable to introduce separate Elder and Youth Assemblies bringing representative together to provide specific advice and perspectives.

  In the context of young people, this was seen as a positive way of bringing people together in a culturally safe environment, supported by education and access to leaders and mentors, in a concerted, strength-based effort.

- **Defining 'Eldership'** – It was raised repeatedly that there is no universally recognised definition of 'Elder'. I heard that being recognised as an 'Elder' is not solely driven by age, with factors such as 'recognised leadership' and 'standing in the community' being important. It was strongly stated that local communities and regions should have a say in determining how this is defined and implemented.

  The Voice structure may need flexibility to allow this to be determined locally rather than by adopting a state-wide definition.

- **Defining 'youth'** – 'Youth' is commonly defined by an age band, most often between the ages of 15 to 25. There may need to be a distinction made between the minimum age of eligibility for nominating, voting and participating, that is separate to participating in a youth council or assembly, however determined under the structure.

The merits of past Elder's and Youth Councils were raised across several conversations as mechanisms that worked in the past to ensure representation occurs.

Given the desire for there to be flexibility in the way these elements in the Structure are achieved, particularly Elder representation, the Structure may need to be designed in a way that enables regional and state structures to implement an approach that works for their particular members and needs. For example, The Voice could be able to form committees and councils to inform their work as defined by each region or area.

Electing Voice representatives

Where does my vote count, and who can I vote for?

Community members raised that mechanisms are needed to ensure diverse nominations are received. But as well as this, the voting process need to be considered, to ensure diverse representatives are elected. There were multiple layers to this - cultural and geographic diversity and mechanisms for men and women.

These issues raised a general question about whether The Voice should allow for people to have only one vote, or multiple votes.

Geographic

A regional voting process brings about different voting options, with a choice between First Nations people being able to vote for a nominee in:

- the geographic area they live in, or
- for the communities they have cultural connections to.

Similar views were expressed on this issue as they were for the process for deciding who can nominate to be The Voice, and on geographic boundary decisions.

Communities told me that people being able to vote for the geographic area they live in is the most straightforward option, as it would tie voting eligibility to their address. This would be the same as other electoral processes at the state and federal level, and an administratively streamlined approach.

Some communities raised voting for a representative from their cultural or language group would be the most culturally appropriate process but is administratively and culturally complex. It would raise whether voters are entitled to have multiple votes aligned with their cultural connections, or whether they would have to pick one nation group they feel most connected with.

> *"If you are connected to multiple nations, would you be voting in more than one place?"*
>
> *(Mt Barker community member)*

It would also mean there would be instances where a voter's regional Voice candidate lives very far from where they are geographically located, with people telling me their concerns that this person might have little understanding of the local context the voter is experiencing. And it would be difficult to administer for those who do not know their cultural heritage, or are on a journey to find this out – such as some Stolen Generations survivors.

On balance, most communities told me that tying voting to where the voter lives rather than their cultural connection would be the most inclusive option.

Gender

Ensuring equal representation of men and women in the Voice raises decisions about the voting mechanisms required to enable this. If there are equal positions on The Voice for men and women, the voting process could be held in several ways:

- **Voters get one vote, and they can vote for a man or a woman** (their one preferred candidate) and the male and female candidates with the most votes become the Voice. This could lead to instances where candidates who have significantly less votes than other candidates of the opposite gender are elected to The Voice. This could delegitimise nominees with fewer voices standing within the community and lead to criticism of The Voice structure.
- **Voters get two votes – they can vote for one man and one woman**. This would mean the top candidates would have the most significant voting numbers.
- **Voting is tied to gender** – with only men allowed to vote for men, and only women could vote for women. This option would cause issues for any non-binary First Nations people and could raise issues for transgender community members. It would also limit voting abilities, with people not able to vote for the person who may be their preferred candidate because they are not of the same gender.

Requirements to demonstrate First Nations identity

To enable The Voice to Parliament to be truly representative of the South Australian First Nations community, mechanisms will need to be implemented to ensure that nominees and voters are recognised as First Nations. Community members told me that processes to prove identity as a First Nations person at voting will need to be carefully considered, to manage this sensitively and inclusively.

People raised equally valid concerns – that without processes in place to demonstrate First Nations identity, non-First Nations people could vote and therefore distort The Voice. Conversely, many people raised the significant challenges with finding organisations willing to issue proof or confirmation of First Nations heritage, and there can also be differing interpretations within communities about who is or is not considered a First Nations person. Some community members also said any Government-led process to decide a person's First Nations identity is inappropriate.

"Government need to get out of our business, it is not their place nor authority to decide about Aboriginality."

(Mt Barker community member)

"There can been situations where different personalities impose their own personal agenda on the proof of Aboriginality process, and this has then meant an Aboriginal person has been negated of the recognition of their Aboriginality."

(Ceduna community member)

When enrolling to vote there may need to be a process for a person to demonstrate or declare they are First Nations. Considerations include whether there are centralised decision-making processes, or if these are devolved to the local community.

Two options that could be considered are:

- Voters can self-declare they are First Nations on their ballot before or at the time of voting.
- Voters must provide a proof of confirmation of their First Nations heritage when they vote. Whilst this approach may seem more straight forward, it raises the issues as outlined above about challenges people are experiencing with accessing documentation and could prevent First Nations community members who do not have this documentation from voting.

Similar considerations will need to be worked through to ensure nominees are First Nations, including whether the same process as voters can be used, or if there should be more rigorous requirements.

Other election considerations

There are a range of other administrative issues that will need to be worked through when establishing The Voice. These include appointment terms; election timing; mechanisms for removal from office; any voter exclusions (for example, for people in prison) managing casual vacancies; dispute resolution processes and decisions about an electoral roll.

I heard from some community members with experience of ATSIC that the ATSIC election processes worked well and should be considered when designing The Voice – noting that communities were not advocating for The Voice to function as a re-established ATSIC.

"You should follow the election processes like they did with ATSIC – they worked."

(Salisbury community member)

State-wide or local processes

A consideration for The Voice election processes – including nominations and voting eligibility – is whether standardised rules and criteria are established at a state-wide level, or whether each region can establish their own processes.

Whilst regional decision making would enable a more genuinely grassroots process, it raises several issues, including how community politics or divisions would interplay with the processes. Additionally, in some regions without existing regional leadership bodies, requiring localised processes to be established prior to a regional Voice being voted in would be difficult.

Conversely, whilst standardised state-wide processes are administratively more straightforward, they may be seen as a constraint on localised self-determination.

Some of these issues could be explored further at a state-wide forum on geographic boundaries – noting this would not be the predominant focus of the discussion.

Permanency and flexibility

I heard loud and clear that the First Nations community does not want to have an Advisory body established that can be taken away again. They have seen this happen too many times in the past. The Voice needs to be permanent and not easily removed by governments. The legal mechanisms to establish The Voice will need to consider ways to create this permanency.

"This is too important for our future generations. It can't be just be taken away at the whim of whoever is in charge at the time."

(Adelaide community member)

The First Nations community told me they are ready for The Voice, and do not want to keep waiting for it to be implemented. They asked that it be established as quickly as possible.

"People don't want to start talking and talking and talking (about this) and then there's a next election and it's still sitting there waiting. We want it done quickly."

(Oodnadatta community member)

People also told me that they recognise that The Voice will need to have room to be adjusted after it is established to improve its functioning or address any aspects of the model that are not working. They asked there be flexibility built in to enable this.

Key insights from community engagements

Community by community there were strong and consistent themes, and alignment in the response. Overall, First Nations people are seeking:

- **A Voice to the South Australian Parliament** – people want self-determination over their lives and to have a say in their affairs, to influence the decisions being made about them and their communities.
- **Grassroots representation** – communities want to be represented in the Voice Structure at a local or regional level, not just in a state-wide approach. This should pay respect to existing local leadership structures.
- **The right to choose** – people want to choose who represents them and not have their representatives appointed by the government.
- **Diversity of representation** – Voice members need to represent the diversity of First Nations communities, specifically gender diversity and Elder and youth representation.
- **Adequate resourcing** – to give First Nations people an effective Voice to Parliament, it will require adequate resourcing to allow them to engage in the strongest way possible.
- **A direct voice** – First Nations people want to go straight to the Parliament without going through another body or committee.
- **Direct access to key decision-makers** – there are a range of other senior decision-makers in government the Voice would benefit from having a formal connection to, i.e. Cabinet Ministers, government Chief Executives, local government.
- **Strong underpinning principles and governance** - the Voice should be underpinned by First Nations cultural frameworks and governance approaches and be appropriate for the cultural context within communities.
- **Ability to evolve over time** - the Voice should be flexible and grow with the reflections and learnings of our communities as we progress.

What emerged was the First Nations communities want to be able to elect their representatives. To do this, the following elements were raised as needing further conversations:

- Electoral boundaries.
- Nominating processes.
- Voting processes.

Next steps

Overall, I spoke with around 450 people across 30 workshops state-wide. Many people, particularly in regional and remote areas, expressed gratitude to have been included in the conversation – as they regularly felt bypassed by governments.

People told me that one conversation is not enough. There was a strong expectation expressed throughout engagements that The Voice must continue to be designed by First Nations people and cannot be pre-set by government. Many people told me they are keen to be involved in the next round of community engagements to further shape The Voice.

Communities were pleased to know there will be a second state-wide engagement process on issues they said will need further discussion.

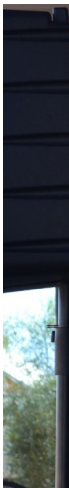
This engagement report is provided to the Attorney-General, and will be used by the South Australian government to inform the development of a proposed Voice Structure via draft legislation.

I will continue to engage with the South Australian First Nations community on this important reform, with a second state-wide engagement commencing in mid-November 2022. I will focus on discussing the Government's proposed structure and seeking consensus views on the areas the community highlighted they need to explore further.

It is a privilege to convey the views and feedback of the South Australian First Nations community in this Report. I look forward to further speaking with my community, and with the broader South Australian community, on how we can establish a meaningful way for First Nations people in South Australia to speak from the grassroots level to the most powerful decision-makers in our State.

Jessica Turner
Elizabeth

FISHERIES OFFICER
ADELAIDE



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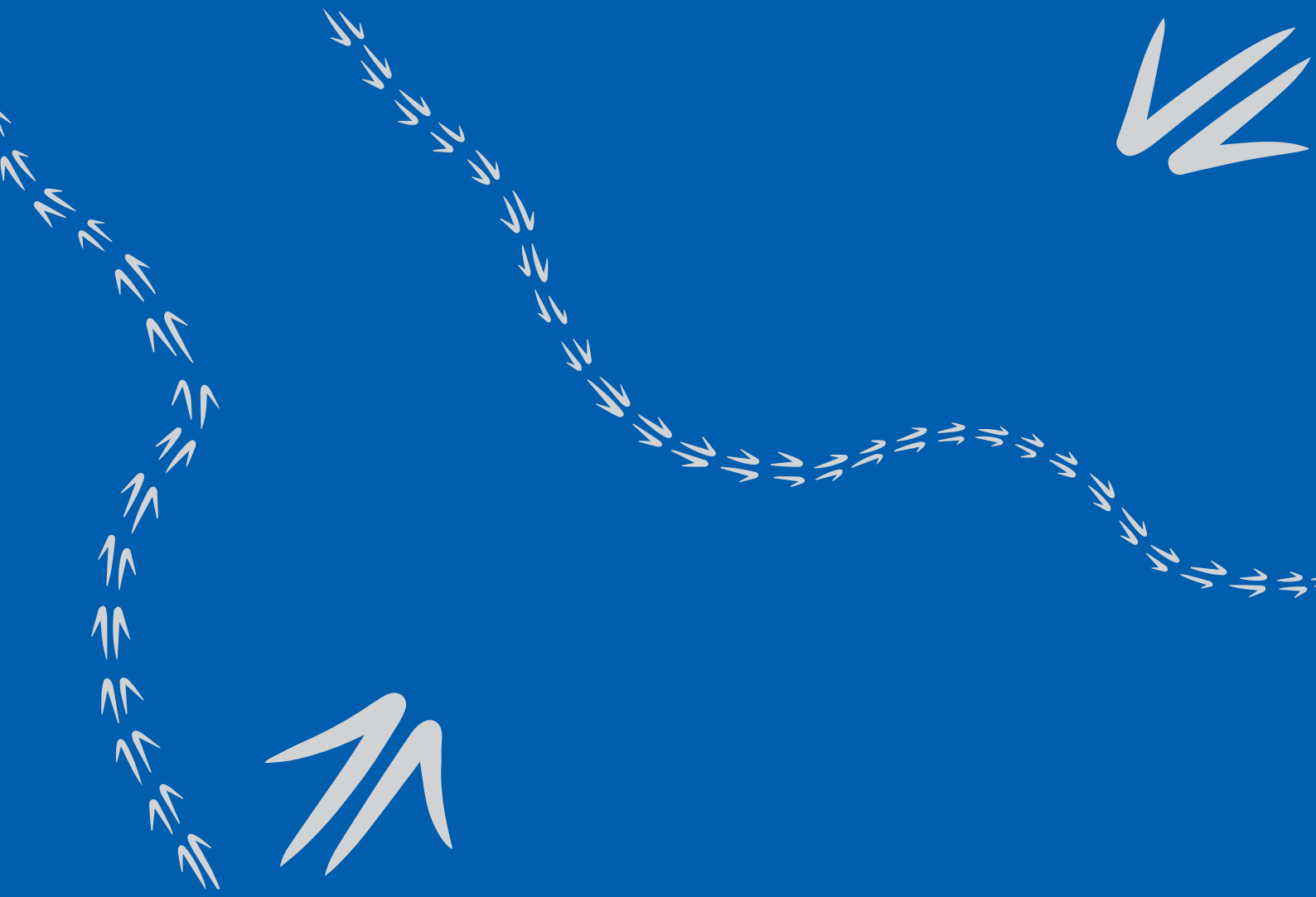

FIRST NATIONS VOICE

TO SOUTH AUSTRALIA'S PARLIAMENT

Engagement Report
August to October 2022