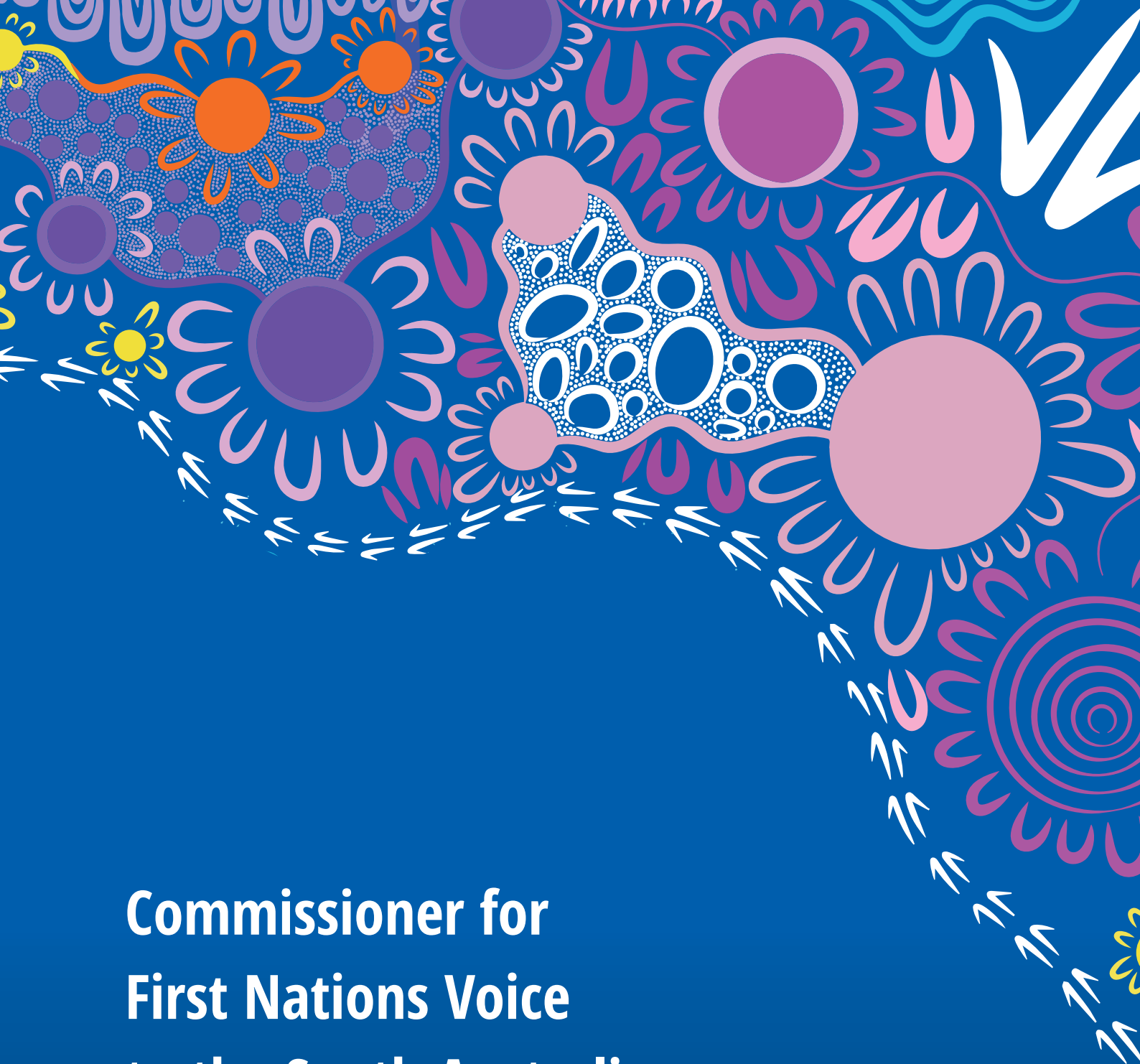




Commissioner for First Nations Voice to the South Australian Parliament

Commissioner's Report

July 2022 to January 2024

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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Terminology

This report respectfully uses the terms ‘Aboriginal’ rather than ‘Indigenous’ to refer to people who identify as Aboriginal, Torres Strait Islander, or both. It recognises Aboriginal people and Torres Strait Islander people as two separate groups.

However, this document refers to Aboriginal people in recognition that Aboriginal people are the original and ongoing inhabitants of the state of South Australia. This report recognises that there are a number of people with Torres Strait Islander heritage living in South Australia.

The term ‘community’ used in this report refers to Aboriginal communities or community, as distinct from the general community.

I acknowledge the complexity and diversity of the Aboriginal communities of South Australia, recognising that each has its own beliefs and practices.

Use of Imagery

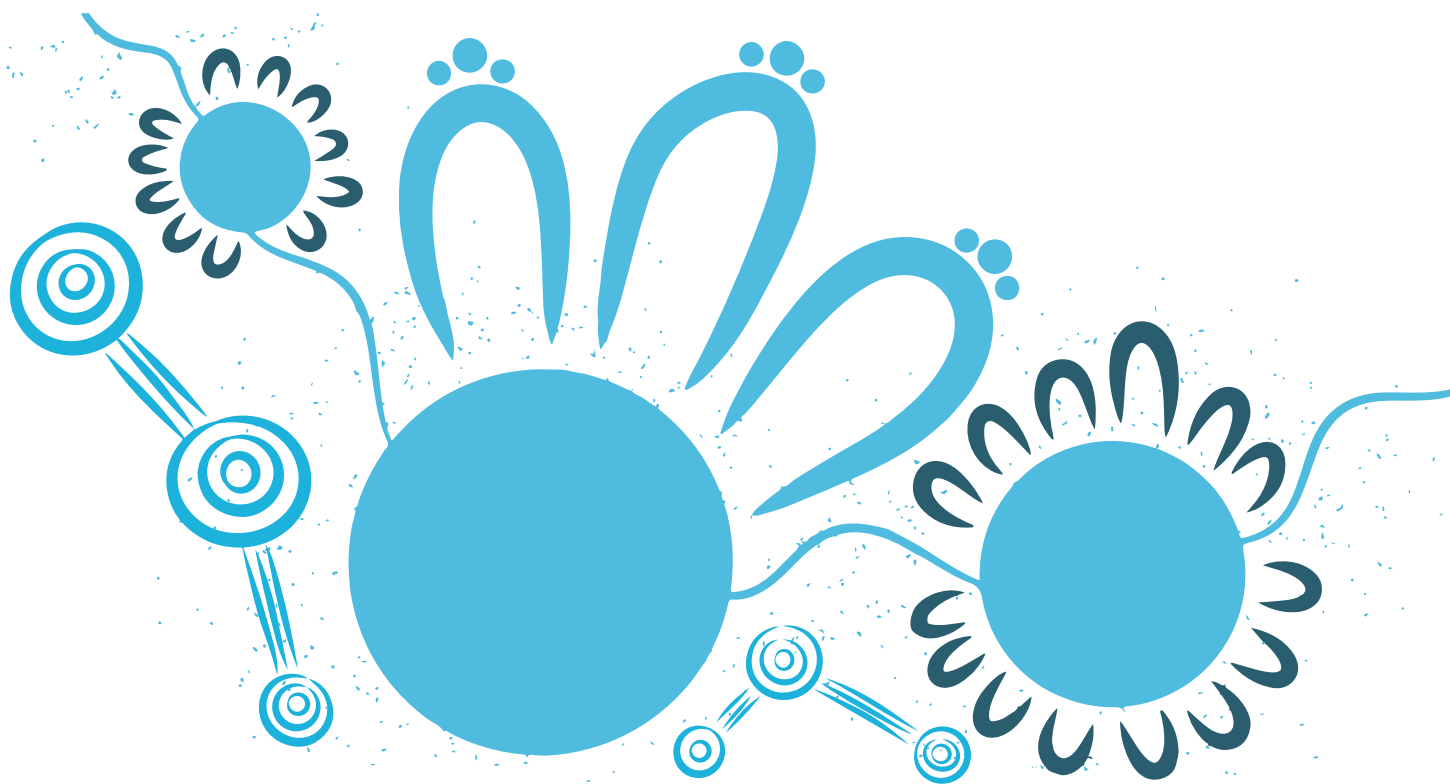
We sought permission from community leaders and participants for their photographs to be taken during engagement sessions.

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.

Aboriginal and Torres Strait Islander 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.



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
(Kurna, Ngarrindjeri, Narungga)*

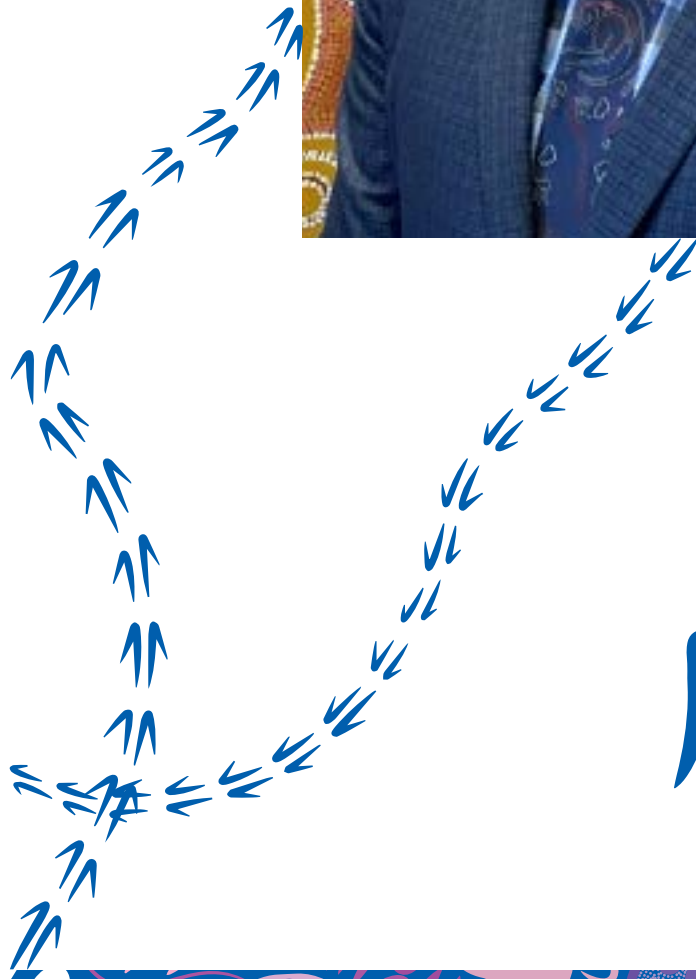


Commissioner's Report

Commissioner's Introduction

I am a South Australian with community and cultural connections with Kurna, Narungga, Ngadjuri, and Ngarrindjeri language groups. Holding previous roles working in State Government, working with community, and holding positions on community Boards, I took on the role as the inaugural South Australian Commissioner for First Nations Voice to Parliament with experience and background in bureaucracy while having strong connection in community.

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



Purpose of this Report

In this report I bring forward; detail on the outcomes and achievements of my functions in the period of July 2022 to March 2024, the findings from undertaking my three rounds of engagements with community, and a summary of the South Australian First Nations Voice to Parliament model, including community feedback and participation.

Throughout this report, 'The Voice', SA Voice, or 'The Voice to Parliament' refers to a Voice to the South Australian Parliament.

Aboriginal people have a right and invested interest to determine and develop the priorities and strategies to support the needs and development of their communities. More specifically, they have a right to participate in developing and administering such priorities that affect them and their communities. The South Australian Voice to Parliament model is designed to create a higher level of public scrutiny within decision making for better transparency and accountability in Aboriginal matters, which the Aboriginal community have asked for in South Australia.

The South Australian Voice to Parliament will play a crucial role in empowering communities by acknowledging their collective right to self-determination, protection of culture, and inclusions at the point of decision making. Through improved representation it will lead to enhanced opportunities for services and resources that meet the needs of community. It will uphold a greater level of responsible decision making and oversight through a coordinated and structured approach to present community matters, whilst ensuring the effective and best use of resources and government funding when delivering initiatives for Aboriginal communities.

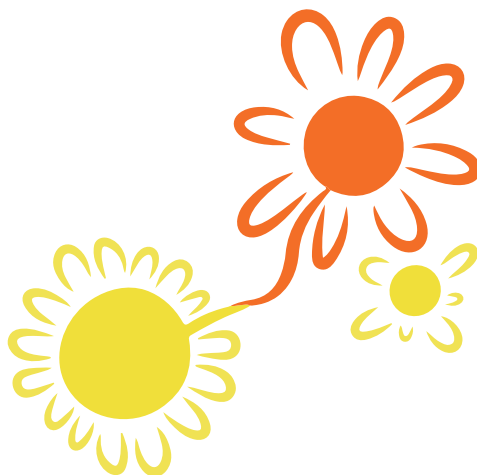
It establishes a platform for direct representation, allowing elected representatives to speak independently on matters of interest. It's flexibility, direct line to communicate, and transparency, empower Aboriginal people to advocate for community priorities in a public and accountable manner.

This is an opportunity for Aboriginal people, government, and organisations to provide a more balanced approach to the governance and accountability of decision-making and processes that relate to the priorities and needs of Aboriginal communities.

I would like to acknowledge the many Aboriginal community members who generously offered their time, advice, and guidance, and allowing me to visit and engage with our communities, in the effort to ensure the South Australian Voice to Parliament is created from our grassroots. I would also like to commend the resilience and the bravery of Aboriginal people who have put their hands up and stepped forward to participate in this reform for our people.

Dale Agius

Commissioner for First Nations Voice

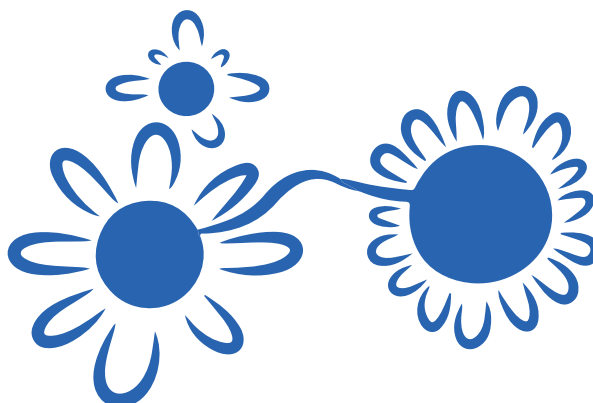
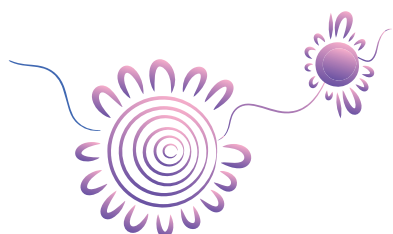


Recent History of Aboriginal Affairs 2015 – 2023 (The Journey)

- ▶ **2015:** Indigenous Landmark met with PM Malcolm Turnbull and Opposition Leader Bill Shorten and issued the Kimball Statement. In response, both leaders established the Referendum Council.
- ▶ **2016-2017:** The Referendum Council runs 13 Plant Nations Regional Dialogues to discuss options for constitutional reforms and assure that Aboriginal decisions are at the heart of the process.
- ▶ **2017:** The National Constitutional Convention is held at Uluru, and the Uluru Statement from the Heart is issued to the Australian people, calling for Voice, Treaty, Truth.
- ▶ **2017:** The Referendum Council hands down the final report, endorsing the Uluru Statement of the Heart. Rejected by the Turnbull Government.
- ▶ **2018:** A Joint Select Committee considered the power of the Referendum Council, finding the Voice is the only valuable recognition proposal. It recommends the government 'initiate a co-design process'.

- ▶ **2019:** Minister for Indigenous Australians, Kevin Wyatt, announces a 'co-design' process to determine the structure and functions of the Voice.
- ▶ **2021:** The Final Report on the Indigenous Voice co-design is released, known as the 'Langton-Calma Report'.
- ▶ **2022:** Premier Peter Malinauskas commits to the full state implementation of the Uluru Statement from the Heart. PM Anthony Albanese commits to a referendum to introduce a Voice to Parliament.

2022 – Premier, Commissioner and AG



- ▶ **2022:** The Referendum Working groups are formed to provide advice to Government on successfully implementing a referendum on a Federal Aboriginal and Torres Strait Islander Voice enshrined in the Australian Constitution.

2022 – Referendum Working Group

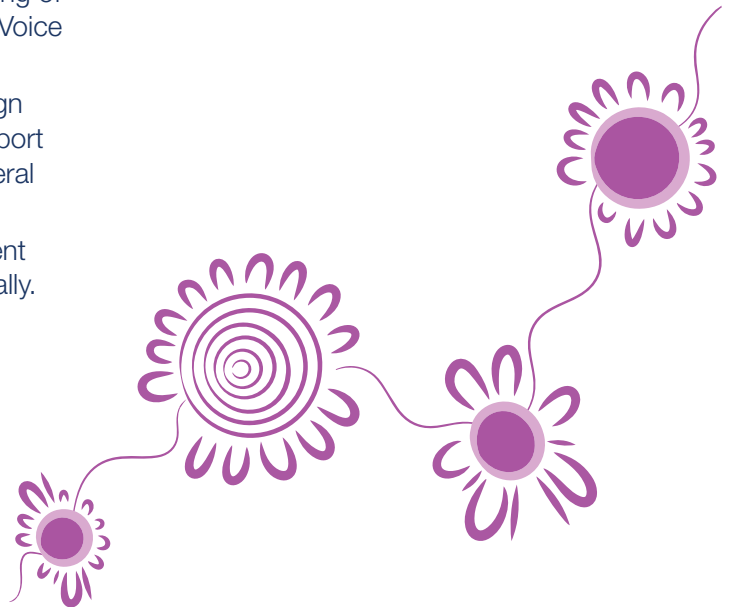


- ▶ **2024:** The South Australian Voice to Parliament continues to proceed for implementation in South Australia, and the inaugural SA Voice election took place on Saturday, March 16, 2024.

2024 - Tauondi Polling Venue



- ▶ **26 March 2023:** The South Australian Parliament passed the First Nations Voice to Parliament Act 2023 (SA) in a special sitting of Parliament and legislated a First Nations Voice to Parliament here in South Australia.
- ▶ **2023:** All Premiers and Chief Ministers sign a Statement of Intent, committing to support a constitutionally enshrined Voice to Federal Parliament.
- ▶ **14 October 2023:** The Voice to Parliament Federal referendum was defeated nationally.



Background

The *Uluru Statement of the Heart*¹ (Uluru Statement) proposed a series of three reforms; Voice, Treaty, and Truth, with the first reform calling for the establishment of a First Nations Voice to Parliament and as the leading mechanism to implement the remaining reforms of Voice, Treaty and Truth.

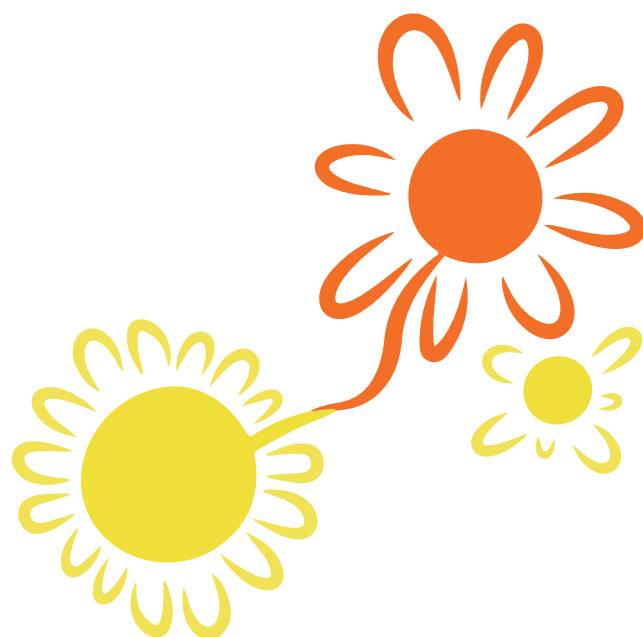
The SA Government, in line with the Uluru Statement, has committed to adopting reforms at a state level. Taking the initial step towards a state-based implementation of the Uluru Statement, step 1 of the SA Government has established a South Australian First Nations Voice to Parliament ('SA Voice'), as specified in the *First Nations Voice Act 2023 (SA)* ('the Act').

The Federal Referendum on 14 October 2023, is a different national policy and legal proposal to include a First Nations voice on a federal level and does not affect the SA Voice and *First Nations Voice to Parliament Act 2023 (SA)* at a state level.

The SA Government remains committed to a state-based implementation of the Uluru Statement, as reflected through a State Budget commitment of \$2.1 million in 2022-2023. The SA Government has since committed, over four years, an additional \$6.1 million for the establishment and support of the ongoing operations and a further \$4.2 million allocated to conduct the first two elections for members of the First Nations Voice to Parliament.²

The three (3) former mechanisms at play for Aboriginal affairs, including the *Aboriginal Lands Parliamentary Standing Committee*, the *South Australian Aboriginal Advisory Council*, and the *Commission for Aboriginal Engagement*, have now been re-aligned into the one for the purpose of the SA Voice.

The SA Voice Act will see the SA Voice established in mid-2024 following the Local First Nations Voice Elections. The SA Voice is designed to provide unfiltered advice on matters of interest to Aboriginal people, emphasising their right to self-determination.



¹ The Statement - Uluru Statement from the Heart <https://ulurustatement.org/the-statement/view-the-statement/>

² SA State Budget 2023-2024, Indigenous Communities, <https://www.statebudget.sa.gov.au/our-budget/indigenous->

First Nations Voice to Parliament Act 2023 (SA)

The Act was introduced to Parliament (in the Legislative Council) in early February 2023 and was later passed by the South Australian Parliament on 26 March 2023 in a special sitting of Parliament and state ceremony. Over 100 community members attended to watch the Act (as a Bill) being introduced, and approximately 5000³ people gathered at the stairs of South Australian Parliament House on the day the legislation was passed to honour and show support for the Act and South Australian Aboriginal people. This is ground-breaking legislation, the first of its kind in any Australian State, that sets the foundation for legislating the SA Voice.

As explicitly stated, the Act's objective is to give First Nations people a voice that will be heard by the Parliament of South Australia, the Government of South Australia, and other persons and bodies ⁴. This legislative framework establishes the SA Voice as an independent advisory body, facilitating direct and independent lines of communication between Aboriginal representatives and South Australia's Parliament and Government. The Act provides a legislative framework for the partnership between Aboriginal people and the highest levels of decision-makers.

Through the Act, the SA Voice and its associated administrative and governance structures will establish comprehensive arrangements for Aboriginal people to self-determine and communicate directly with the highest decision-makers. While the SA Voice is an advisory body and will not have veto or decision-making powers in South Australia's Parliament and Government, the Local and State Voice bodies are legally independent of the Crown or any Minister or Office of the Crown.

³ Department of the Premier and Cabinet (2023, March 28), State ceremony for the First Nations Voice to Parliament, <https://www.dpc.sa.gov.au/responsibilities/state-protocols-acknowledgements/state-services/events/making-history-with-the-first-nations-voice-to-parliament>

⁴ First Nations Act 2023 (SA) <https://www.legislation.sa.gov.au/lz/path=/c/a/first%20nations%20voice%20act%202023>



First Nations Voice Act 2023 passed by South Australian Parliament.

Commissioner's Activities

My role as Commissioner for First Nations Voice to Parliament was to be an independent voice for South Australian Aboriginal people to the South Australian State Government in the development and implementation of our South Australian First Nations Voice to Parliament.

My role played an integral role as a conduit to improve the engagement between South Australian Aboriginal communities and the South Australian Government for the purpose of the South Australian First Nations Voice to Parliament.

The overarching guiding principles and functions of my role included:

Engagement

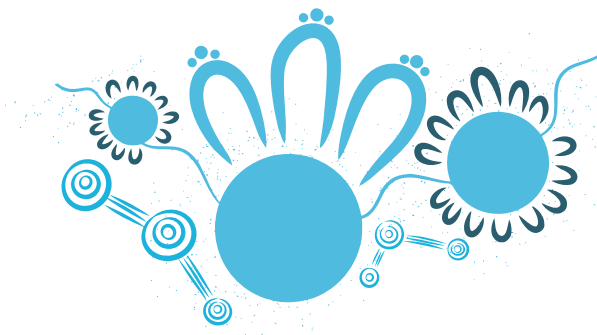
- ▶ Speaking with South Australian Aboriginal communities to seek feedback on their views, thoughts, and ideas on how a First Nations Voice model could work to represent their local voices;
- ▶ Facilitate engagement between a range of community, private sector, and government parties and discuss the concerns and priorities of Aboriginal communities; and
- ▶ Engage with South Australian Aboriginal communities, organisations, and public sector agencies to provide information and raise awareness of the South Australian First Nations Voice and the Local First Nations Voice Election.

Advocacy

- ▶ Acting as an independent advocate for Aboriginal people and providing feedback and advice from these conversations to the South Australian Government and public service leaders

Advice to Government and Parliament

- ▶ Working with the Premier's Office to provide advice and guidance around First Nation's matters, the SA Voice model, and First Nations Voice Act 2023 (SA);
- ▶ Working with the Attorney-General's Department to assist in the drafting of the First Nations Voice Act 2023 (SA) and to reflect the feedback from community;
- ▶ Working alongside the government's Aboriginal Affairs and Reconciliation division to develop and understand existing advisory structures and their current impact and interaction with community, state agencies, and the government;
- ▶ Working alongside the South Australian Electoral Commission, South Australian Government and South Australian Aboriginal community for the progression and effective implementation of the legislated South Australian First Nations Voice to Parliament under the First Nations Voice Act 2023 (SA);
- ▶ Working across all public sector agencies, for the purpose of the First Nations Voice Act 2023 (SA), and providing advice and guidance about First Nations matters and the SA Voice; and
- ▶ Collaborating with the ACCO, NGO, and community control sectors.



Engagement

My team and I have travelled across the state, holding a series of engagements over three stages from August 2022 to March 2024. During my time meeting, I have been speaking and engaging with the South Australian Aboriginal community and facilitating engagement between a range of communities, the private sector, government, and non-government stakeholders to discuss the concerns, priorities, and aspirations of Aboriginal communities in South Australia.

First and Second Rounds of Engagement

The details of the engagement approach, feedback directly from community, and themes emerging for each round of engagements for the design of the SA Voice model can be found in my first and second Engagement Reports.

Engagement Report (August to October 2022)



Second Engagement Notes (November 2022 to January 2023)



Third Engagement Process

I undertook a third round of community engagements from October 2023 to March 2024, with communities spanning across all regions in South Australia (rural and metropolitan areas). During this time, I met with more than 40 Aboriginal communities, community groups, and Aboriginal organisations.

The session occurred through a series of face-to-face, virtual, and hybrid engagement formats designed to be informative and intimate sessions for Aboriginal communities and to raise awareness about:

- ▶ SA Voice model and visualisation;
- ▶ Local and State SA Voice roles and responsibilities; and
- ▶ inaugural SA Voice election on 16 March 2023, including nominations and voting processes.

Aimed to raise awareness, inform, and help prepare community for the SA Local Voice election, this format was also focused on encouraging community members to consider nominating as candidates and/or voting in the election.

I also took this opportunity to gain further insight from communities on their views and feedback on the model, including any perceived benefits or concerns from the point of view of the Aboriginal community. This was guided by a series of principles outlined below:

- ▶ Feedback in relation to the SA Voice model;
- ▶ What is the interest in nominating and voting;
- ▶ Perceived benefits and success of the model;
- ▶ Perceived barriers and flaws to the model;
- ▶ Challenges to raising issues at the highest level
- ▶ Challenges to keeping communities informed and updated.

Often the engagements lead to a yarn regarding the current and historical affairs of our people, and a strong pattern of key themes emerged from these conversations with community. I highlight and draw attention to the matters communities have brought to me throughout this report, per the following:

▶ **Federal Referendum:**

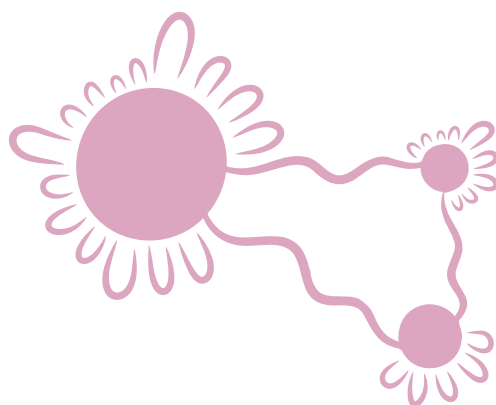
- ▶ the fallout from it and the impact on community;
- ▶ the resilience of the Aboriginal community;
- ▶ Racism behaviours and safety of our people; and
- ▶ Misinformation.

▶ **Government:**

- ▶ What if there is a change in government?;
- ▶ Current distrust of government; and
- ▶ Government behaviour, accountability, and funding (including Local Councils).

▶ **Authenticity of the Narrative**

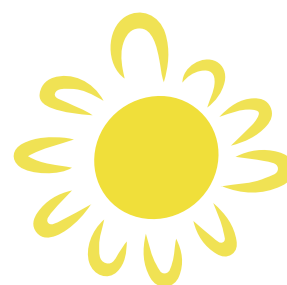
- ▶ Misrepresentation or misconceptions of Aboriginal people; and
- ▶ Truth telling



My engagements occurred in tandem with the Electoral Commission of South Australia (ECSA). There was some confusion and concern raised by community about the election process and how the culture and community dynamics will operate under the election model. Conscious throughout community, was the information made available regarding the election and engagements undertaken by ECSA was not provided in a way that made it clear that the election aligns with the SA Voice. As acknowledged, the election process allows for regional representation, which can also be reflective of cultural protocol in determining potential candidates and identified by regional respected community leaders.

In response to the growing concerns and confusion expressed by community about the impact of the Federal Referendum and clarity around the election, further engagement strategies were identified, and there was a proactive pivot from both my office and ECSA with the aim of targeting concerns and distrust of community and supporting safety.

There were notable time pressures for the third round of engagements in the lead-up to the election. This posed limitations to address concerns raised by community through my engagements, additional communications, and engagement strategies my office and ECSA were implementing to assist with providing a broader scope of voice election content and information.



Coober Pedy

ULURU STATEMENT

We, gathered at the 2017 National Council of Australian Women's conference, all points of the southern sky, met

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 coded 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

Margaret Senter
Miradjuri
Chad Creighton
Bardi / Murrumbidgee
NADIA PEDRO STEPHENSON
MERIAN MIR
Kathleen McPherson
Metaburra Eidingi
Dean PEOU
Shunghua Billy T.
VICTOR NGUNMAWAL
Wendy Wundjuri
at amungwa abam
Hughson Brown
Wundjuri - Wundjuri
land - Midgird, Gurlan

Mullumbidgee
TUMBA
LAWO Gurgulu
STEPHENSON
Rumba
Ngarrindjeri
SOUTH
APYKANDI
Kirsten Gray
Murnawatji
Woman

BRIAN BYLER
ARONOFF
Ngarrindjeri
Arabela
Sutton
Pierrel
Sutton
FINDLEY LINDSEY
TIM KALLA
CIC
Helen Savage
TSJ
Mickelale
Bridgette Hawker

Cher Phillips
KATH
LITTON
TIN
DANIEL COUTHARD
ADAMANTINE
PRADIPAN
YANKATJATJARA
Helen Savage
TSJ
Mickelale
Bridgette Hawker

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Ullens-hu Tjukupa by Happy Reid CHARMAINE Kulitja
Christina Bremer Lena Kulitja Tama. Sa

Key Insights from Community: Summary of Feedback

The following information provides an insight into the views, opinions, and priorities of Aboriginal communities within SA, as drawn from each of my engagements and summarised into a series of key themes.

Feedback on the SA Voice Model

Overall, the SA Voice model was well received by community, with robust conversations about the model and the perceived benefits that could be achieved towards community priorities through the two-tiered system and the addition of the four (4) advisory committees (Youth, Elders, Native Title, and Stolen Generation). The model is a structured and coordinated approach to addressing matters of interest and the priorities for Aboriginal communities with regional collaboration.

Most communities were in support of the model, and although there are some concerns and cautions discussed, there is a consensus of support and excitement for what the SA Voice could bring and mean for their communities.

"It is exciting; community have been talking about it, and now it is finally happening for our people".

Elders, youth, and upcoming leaders were proactively involved and led the conversation during each of my sessions. Through an understanding of how Aboriginal representation for the advocacy of local priorities of community could be achieved and authenticity in the messaging of what is actually happening in our communities, there was support for the potential positive outcomes the SA Voice Model could achieve.

"The narrative needs to be corrected for our people and be consistent with what is actually happening in community, and so the current narrative can be derailed, and community needs are actually addressed."

"It is the start of the journey to get to the end. People need to understand that it is a journey, and the SA Voice is the first step forward."

Although there was overarching support for the SA Voice and model, confusion remained present about the differences between the recent referendum and the SA Voice. This was an on-going challenge and continues to form a primary component of the key messaging to balance the misrepresentation presented through the referendum process, but now we can make way for conversations about changes and priorities through the SA Voice model.

"The notion around 'we voted no, why do we need a voice' is common across communities".

There were some conflicting views relating to the model and implementation of a SA Voice amongst differing age cohorts in certain locations, displaying a dynamic between generations within communities through the state where younger generations were more in favour of the voice approach.

"We need to try something different; we have put our trust in others or the old way of doing things for too long, and our community is falling behind."

The matters for each region will be different; there are general indicators overall and individual rural matters.”

There remains a distrust of government and ongoing suspicion amongst community leaders and members. In their display of strength and resilience, there was a feeling within community the SA Voice is a chance to do things differently, where communities could progress forward to address long-standing needs and progress aspirations through the voice model with collective support from regional representatives.

“We have to come together to make this work for our people.”

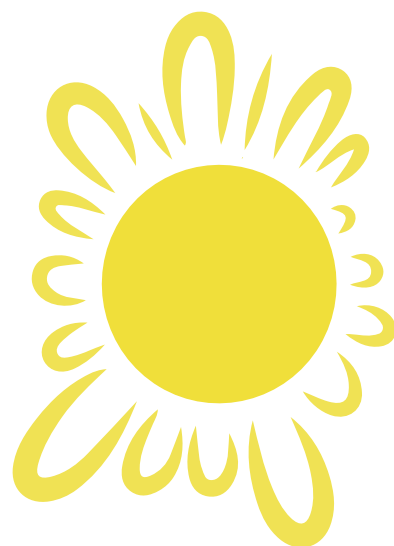
Aboriginal people from across our state have expressed that they want a mechanism in place to connect with and engage with high-level decision-makers. Community supports the idea of having elected members directly be in connection with decision-makers in a non-political manner, providing guiding feedback to focus on positive outcomes for community.

“This creates a problem-solving structure for issues and priorities of community to be heard.”

“It is an exciting change for our people and the future.”



Coober Pedy



Benefits and Success of the Model

Community told me the SA Voice will empower them and provide a platform to advocate for the needs of community. It will provide community a two-tiered structured and coordinated approach to residual collaboration to address matters of community interest.

Community was relieved to know and saw great benefit in that, with the structure of the SA Voice, Aboriginal people will be able to determine their own priorities and accurately highlight the needs of community, creating authenticity in the messaging of what Aboriginal people need.

The SA Voice is an effective measure to empower Aboriginal people to ensure their priorities, social inequalities, interests, and cultural traditions and systems can be protected, while ensuring Aboriginal people can provide guided advice so programs and services can be implemented and can hit the mark and make more of a positive impact on the ground. Furthermore, foster mutual understandings and valuable knowledge sharing in political, legal, and administrative processes within government and other responsible bodies.

Aboriginal communities are certain that this is the first step forward to not only addressing historical injustices, but also preserve cultural protocols, and contribute to more inclusive decision-making and accountability through the representation of Aboriginal people, by Aboriginal people.

“We can’t walk down the street without talking about the challenges we face daily in community, youth, elders, incarceration, etc. - and the need for a voice. We should be the ones having these conversations with the government, too. That is how it should be; it impacts ‘our’ community, we should be the ones talking about it with the government”.

Community supports and believes the SA Voice presents a way forward to overcome inequality and achieve better outcomes for community, governments, organisations, and the broader Australian population.

“This mechanism is in the legislation; we have a way forward for better equality and outcomes for our people.”

“Our issues have never been recorded; the model lets us do this in an accountable way and to get some better outcomes for community.”

Aboriginal people expressed their right and invested interest in determining and developing priorities and strategies to support the needs and development of their communities. More specifically, their right to actively participate in developing and administering such programs and services as health, housing, education, infrastructure, and social programmes that affect them and their communities.

By actively involving Aboriginal people in determining priorities, the SA Voice will allow community to contribute and inform the development and effective delivery of services, policies, and programs. Its role in advising on government policies, programs, laws, and funding ensures a critical Aboriginal perspective that, at times, is crucial to government and responsible bodies.

One of the standout benefits communicated was the opportunity for the next generation of leaders to stand up for their communities. With so many great young and emerging leaders out there, the SA Voice provides a platform for the next generation to take a greater lead in advocating for their communities and the needs of the Aboriginal community into the future.

“This is an opportunity for our emerging leaders to step out of the shadows and take the spotlight to lead Aboriginal people into the future.”

What is the Interest to Nominate / Vote

Community members gave a consistent indication they were either interested in nominating, voting, or both, showing a strong level of support for the idea to have a voice in the South Australian Parliament.

Each of the communities I visited during all rounds of engagement found it encouraging to know they could have Aboriginal representation from a community level of the individual matters of their communities being heard at the highest level.

This was demonstrated by the 113 declared nominees from across all regions, ages, and genders, with broad and varying skills, knowledge, and experience, who bravely put their hands up and stepped forward to represent their communities. This indicates that our people want a voice mechanism in place to finally be able to engage with high-level decision-makers.

Community representatives also support the idea of having elected members represent them and their communities directly to decision-makers on their individual challenges and aspirations, be accurately portrayed in a non-political manner, or be represented through a bureaucratic lens.

Even after the fallout from the referendum, with 113 nominees being brave enough to step forward, the resilience of Aboriginal people remains to shine through. The demonstrated narrative shown by the number of nominees flips the script on the misrepresentation of the needs and wants of our people from the Federal Referendum: Aboriginal people want to have a say and want to be involved in the decisions that affect them and their communities.

“We need to keep moving forward. We have mixed emotions over the outcome of the referendum, but our resilience will keep coming through.”

“Everyone has a right to have a go; those who want to have a go should.”

“We are resilient people; we will keep on going after being kicked down.”

“We need to be loud and proud to support your own people and the model.”



Adelaide CBD

Barriers, Flaws and Concerns

Although there was interest and support, community also raised some concerns with me around the model. These were primarily themed towards:

- ▶ how the model will operate in line with cultural and community interactions (members working together from separate communities);
- ▶ ensuring there is adequate representation for each of the communities in the more rural regions;
- ▶ ensuring those who have lower populations are still advocated for; and
- ▶ remuneration of the members not equal to or in the vicinity of existing government boards.

It is known that there may be some flaws to be considered, which is understandable given this is the first ever model of its kind in Australia. It will form part of the SA Voice's responsibilities to explore and work through any concerns or perceived flaws in the model. The SA Voice will have the opportunity to remedy any required changes to the model before the next election, and the Act will be reviewed within the next 2 years.

Community also noted that they have concerns regarding the trust of others and the government, which will be required to support the model and ensure their voices are heard. This comes from generations of embedded trauma, broken promises, and misguided well-meaning approaches that left Aboriginal communities disappointed and being told 'this is what you need' rather than asking 'what do you need?' in the many years of this way of working. They have faced years of missed opportunities and ways of displaying the positive aspect of our culture.

"When it is our affairs, government is dragging the chain."

"We have natural-born leaders in our youth but are mistrusting of the government."

"There is a lot of government money going around, but no one knows where it lands; it's not in community".



Mt Barker

Community continually raised concerns about what would happen should the government change at the next election and to a government that does not support the Act and the SA Voice model.

“Giving a possible change in government, the liberal opposition do not support this, what would happen if the government changed?”

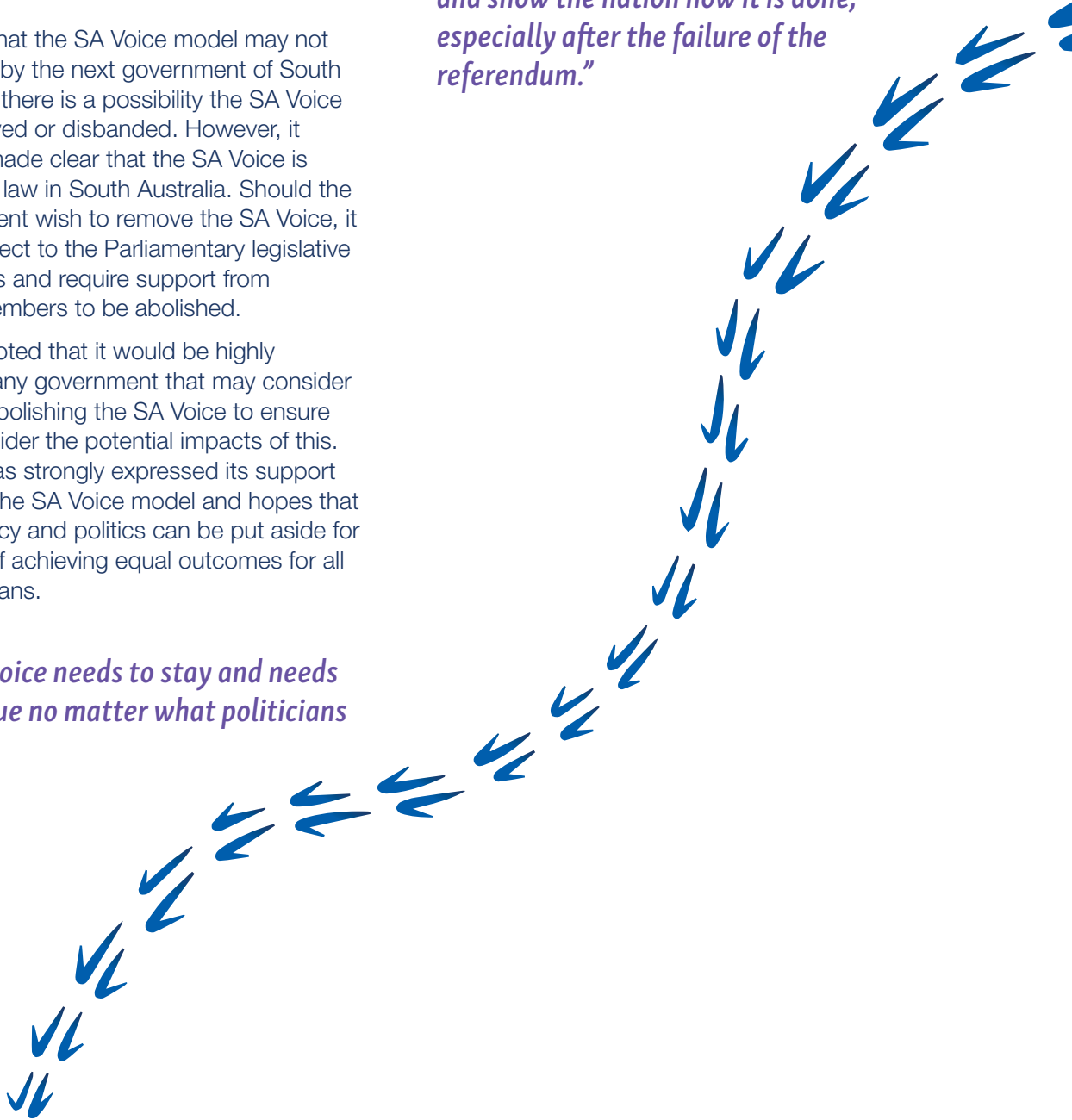
The reality is that the SA Voice model may not be supported by the next government of South Australia, and there is a possibility the SA Voice may be removed or disbanded. However, it needs to be made clear that the SA Voice is legislated and law in South Australia. Should the next government wish to remove the SA Voice, it would be subject to the Parliamentary legislative repeal process and require support from Parliament members to be abolished.

It should be noted that it would be highly advisable for any government that may consider removing or abolishing the SA Voice to ensure they fully consider the potential impacts of this. Community has strongly expressed its support and need for the SA Voice model and hopes that the bureaucracy and politics can be put aside for the purpose of achieving equal outcomes for all South Australians.

“The SA Voice needs to stay and needs to continue no matter what politicians are in.”

“Whether this stays or not, it will also be impacted by support of local councils and politicians in place.”

“We can’t allow the egos and self-interests of others to get in the way of what is right and best for Aboriginal people. We need to lead the way and show the nation how it is done, especially after the failure of the referendum.”



Federal Referendum / Misrepresentation

There were mixed feelings throughout community surrounding the Federal Referendum, with a disappointing feeling that community was unsurprised by the outcome. This did not take away from the hurt, disappointment, and feeling of betrayal within the Aboriginal community.

“The fallout from the referendum will be a conversation for generations.”

“We are still arguing for all our rights 250 years later”.

First and foremost, the Aboriginal community turned their focus to the safety and wellbeing of their communities, both young and old, and the differing views and opinions of the outcome based on the generational experiences of each.

“We need to make sure we are looking after our own to support them mentally following the outcome.”

“We need support and teach our people, especially the younger generations who have not experienced this before, how to handle their emotions and the racist backlash out there now, in order to protect our people.”

It is apparent that a strong level of distrust for government remains present due to generations of broken promises and wrongdoing experienced by our elders, including our stolen generations, and now the referendum.

“We have no trust in government; our elders did not trust this referendum, and that the government was doing right by them following generations of wrong.”

It was disappointing to hear our younger generations had been experiencing direct racism from their peers in everyday social environments and through social media. Aboriginal parents are finding they need to equip their children with the emotional tools to comprehend and process the evident racism they are experiencing.

“We need to find ways to keep people accountable. We are having to teach mature responses and management strategies for racism to our children, pre- and post-referendum outcome”.

Racism has been present in society for as long as we know unfortunately; the referendum has heightened it and has been at the forefront of the referendum campaign in ways that are more obvious and open than before, but with limited accountability for such behaviours.

“The racism has always been there but has become more obvious due to the referendum.”

“There is a continuation of the racism following the outcome; it has opened the door further to what we have already been experiencing.”

“People thought the referendum was permission to voice their racist views. It was a decision of the nation for Aboriginal rights, not a platform for harmful racism and racist opinions”.

There is disappointment and anger throughout community, and there is a question as to how to pick themselves up and continue. There is a feeling of a lack of understanding from non-indigenous people of the true impact of the referendum, but community feels they have not been able to truly show this out of fear of scrutiny and feeling unsafe to do so.

“We have to act as though everything is business as usual, and we are not allowed to grieve publicly due to fear of scrutiny or the media jumping on it – just another black fella showing anger again.”

“We feel cheated but cannot demonstrate or display in any way the full extent of our disappointment and hurt; we have to be logical and mask how we feel out of fear of scrutiny or further racist outbursts.”

Community feels the messaging around Aboriginal people through the referendum has been misleading, and there is a misconception of what is really going on in community and the accountability of others.

“Stop the narrative around ‘but they get free houses’ and start putting the spotlight back where it should be, seeing what is really going on, and the accountability of government funding for the delivery of these programs when the money is not hitting the ground where it should.”

“There was no real opportunity to tell the truth, and we felt there was a lack of responsibility taken to do so and respond to misrepresentation.”

“We are currently relying on the media and news reporters to tell the narrative of our people, which, after the referendum, reflects that we can’t trust them to tell the truth, and this needs to change.”

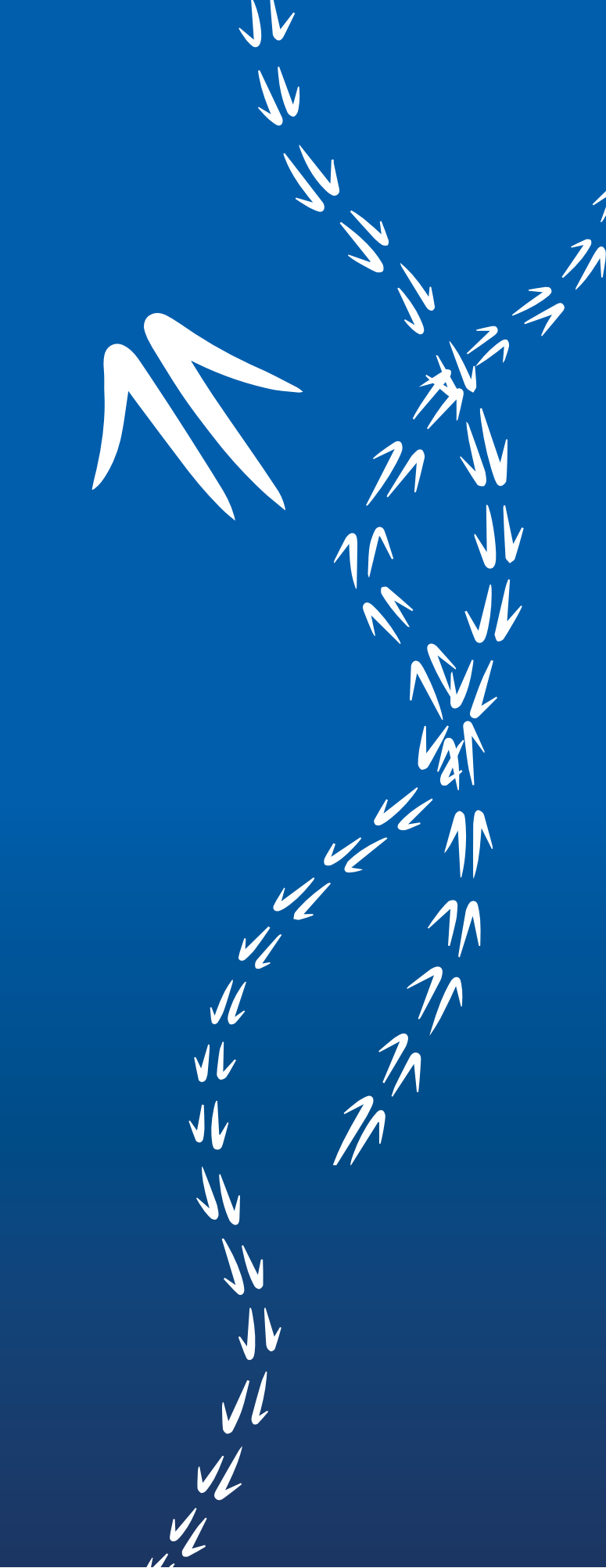
“Local people were missed informed, and there was misconception in the referendum.”

“Local Councils were completely silent during the referendum.”

Community is hopeful the SA Voice will help mitigate and counter the negative narrative out there and start a path forward for a more honest, transparent, and accountable portrayal of Aboriginal matters and the priorities of communities. The SA Voice will be the mechanism to continue the cause for addressing the true injustices and inequalities of Aboriginal people.

“Now is the time for the messaging to be clear and no longer silent on the misconceptions of Aboriginal people portrayed under the narrative out there.”

There is a realism in the results and behaviours exhibited pre- and post-referendum. Although there is a strong education and truth telling piece to be undertaken in continuing to move forward, it should be noted that the referendum did reflect support for national reform and demonstrate hope, but there is still much more work to be done to inform, challenge negative narratives, and honour the Uluru Statement reform for the truth telling of Aboriginal people.



Independence of the SA Voice

Since the early inception of the SA Voice, community feedback has been consistent that the SA Voice should be an independent mechanism free from bureaucracy and political platforms. This is further reflected in their fundamental requirement for representatives to be chosen by Aboriginal people.

The SA Voice is cemented in self-determination with independence to allow Aboriginal people in South Australia to provide unfiltered advice and an authentic narrative of matters of interest within community. This will ensure more guided and targeted outcomes that are informed from the ground up and free from dictation and control within existing systems.

Creating and having independence allows the SA Voice to present creative and innovative ideas without the restrictions from bureaucracy and self-investment from service sectors.

The SA Voice is a new way of doing things for our communities for better outcomes and a way forward for our people. The independence of the SA Voice is vital for its purpose and should not be compromised.

South Australian Voice to Parliament

What could the SA Voice influence in the first 12-months?

The SA First Nations Voice is a state-level initiative that will give Aboriginal people a direct and independent line of communication with the Parliament and the Government of South Australia.

It will be made up of Aboriginal peoples who will represent their communities and advise on laws, policies, and programs through direct communication with key decision-makers.

Through improved representation and participation from Aboriginal and Torres Strait Islander people priorities, it will lead to enhanced opportunities for services and resources that meet the needs of community, such as:

- ▶ addressing the high levels of incarceration rates;
- ▶ provide advice on how and where to deliver basic health services for communities;
- ▶ guide the government for purpose driven housing and infrastructure needs;
- ▶ be mindful of education and pathways for our youth; and
- ▶ provide feedback to guide employment options.

The SA Voice is an opportunity for Aboriginal and Torres Strait Islander people living in SA to have a greater say, providing a more balanced approach to the accountability of government decision-making and process at the highest level, relating to the priorities and needs of First Nations communities.

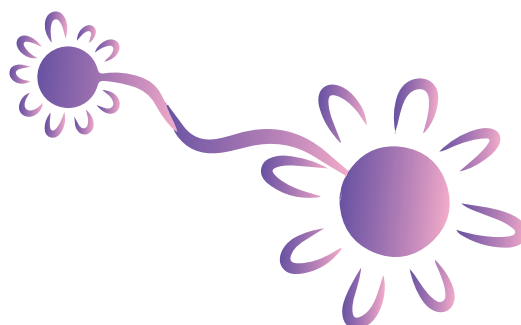
The SA Voice will uphold a greater level of responsible decision-making and oversight

through a coordinated and structured approach to present First Nations matters, including delivering results through services and programs, while also ensuring the effective and best use of resources and government funding when delivering First Nations priorities to First Nations communities.

Development of the SA Voice Model

Development of the model for a SA Voice to Parliament was conducted through a series of stages, including two rounds of engagements with community during the concept and design phases of the Act and the SA Voice model, including electoral boundaries establishing the regions of the Local Voice Bodies (see below). The engagement strategy was aimed at gaining the views and aspirations of Aboriginal people within SA for the overall structure of the SA Voice model and gaining feedback on the proposed model.

The advice, views, and feedback from Aboriginal communities informed the final model and are strongly themed in line with the benefits outlined in this report. This ensures that the SA Voice is rooted in the community's needs and aspirations.



SA Voice Model

Under the Act, and the SA First Nations Voice Regulations 2023 (Regulations), the SA Voice will be made up of two levels; Local First Nations Voice bodies and a State First Nations Voice. Members will be First Nations people, elected by First Nations people.

The multi-layered structure includes:

- ▶ six (6) Local First Nations Voices ('Local Voice');
- ▶ one (1) First Nations State Voice ('State Voice'); and
- ▶ four (4) advisory committees to the State Voice.

The SA Voice will be comprised of Aboriginal people, elected by Aboriginal people from their communities to represent them.

Two members of opposite genders from each of the Local Voice bodies will be chosen by their Members as the Presiding Members. The Presiding Members of the six Local Voices will form the State Voice.

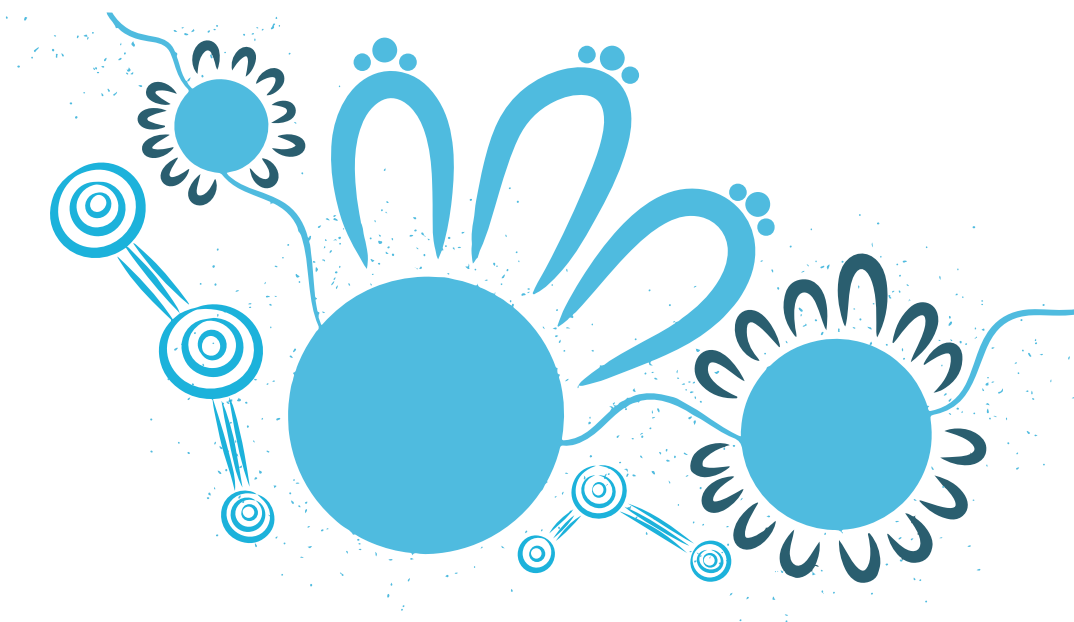
Regions

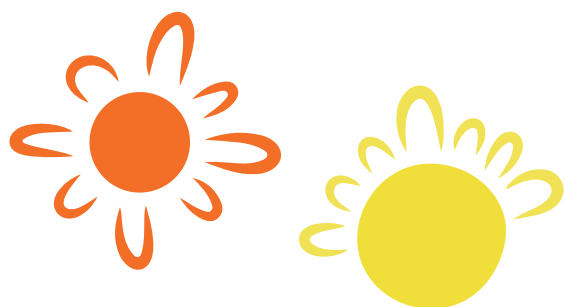
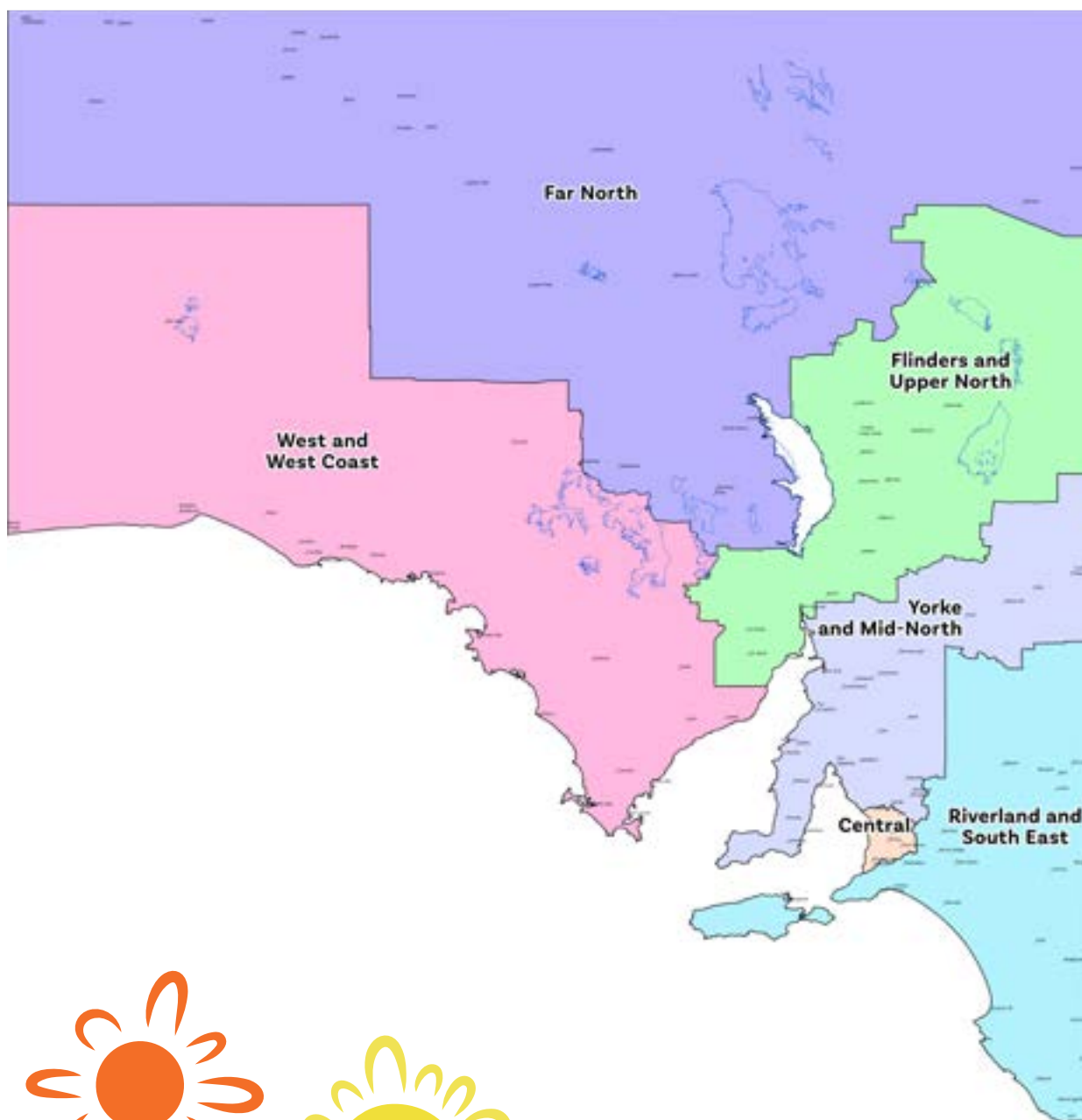
There will be six regions across South Australia. Each region will have its own Local Voice, with members chosen by local people. Members of each Local Voice will work closely with their community and act as their voice on issues that affect them.

Regions were decided after talking with the community and gaining advice from community leaders and experts.

The regions are:

- ▶ **Region 1** (Central) - 11 elected members (due to the higher population of Aboriginal and Torres Strait Islander people in this region).
- ▶ **Region 2** (Far North) - 7 elected members.
- ▶ **Region 3** (Flinders and Upper North) - 7 elected members.
- ▶ **Region 4** (Riverland and South East) - 7 elected members.
- ▶ **Region 5** (West and West Coast) - 7 elected members.
- ▶ **Region 6** (Yorke and Mid-North) - 7 elected members.





Role and Responsibilities

As this is the first time SA has had a 'Voice' to Parliament, and ultimately it is up to the SA Voice to determine their priorities and how they will operate at the ground level, there will be decisions the Local and State voice will need to make, including what areas or issues they want to focus on and how they want to work together (Local regions and as a State Voice).

The Act provides for guiding principles for the functions and responsibilities of a SA Voice to achieve its purpose under the model designed and informed by the Aboriginal community of South Australia.



Local Voice

Elected Local Voice Members will ultimately be accountable to their Local Voice region and allocated region, as well as the community who have elected them to represent them. It is community that will decide if they want to vote for someone to be a member and represent them, or be re-elected, and are ultimately accountable to the community they represent.

Members of the Local Voice will be responsible for attending Local Voice meetings, or such other meetings and events, to undertake functions of the Local Voice. The First Nations Act 2023 defines the Local Voice functions, as follows:

- ▶ to consider and discuss matters of interest to First Nations people in its region;
- ▶ to promote, encourage and assist First Nations people in its region to communicate their views on matters of interest;
- ▶ to receive the views of First Nations people in its region and pass those views on to the State Voice;
- ▶ to liaise and collaborate with the State Voice on matters of interest to First Nations people in its region;
- ▶ at the discretion of the Local First Nations Voice, to collaborate with and assist Public Sector agencies and other organisations, in the development of policies and procedures that affect First Nations people in its region;
- ▶ at the discretion of the Local Voice, to engage with local government and with other organisations on matters of interest to First Nations people in its region; and
- ▶ such other functions as may be assigned to the Local First Nations Voice by or under the Act or by the Minister.

State Voice

State Voice Members will present First Nations' views to the SA Parliament, Cabinet Ministers, Government, and Public Sector Chief Executives.

The State Voice must, in carrying out its functions, represent the views of First Nations persons in the State. The First Nations Act 2023 defines the State Voice functions, as follows:

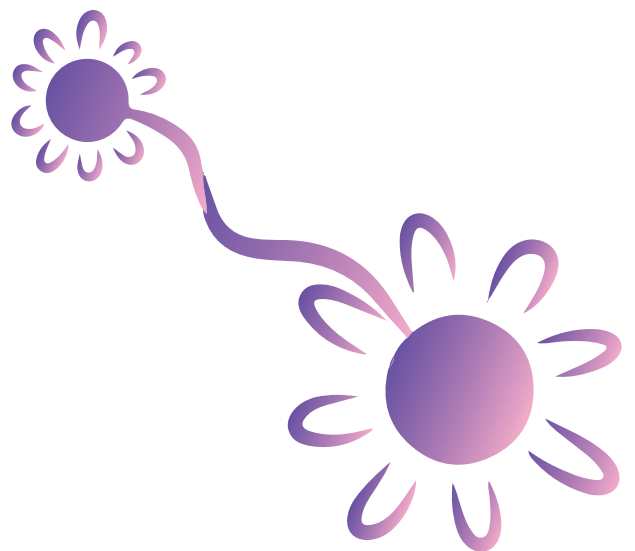
- ▶ to represent the diversity of First Nations people in South Australia;
- ▶ to liaise with the Local First Nations Voices to ascertain their views in relation to matters of interest and to present those views to the South Australian Parliament and the South Australian Government and other bodies;
- ▶ to engage with and provide advice to the South Australian Parliament and the South Australian Government on matters of interest to First Nations people;
- ▶ at the discretion of the State First Nations Voice, to engage with and provide advice to other levels of government and other organisations (including, to avoid doubt, the Commonwealth and other States and Territories) on policy and procedures that relate to matters of interest to First Nations people;
- ▶ to assign names to regions constituted for the purposes of this Act; and
- ▶ such other functions as may be assigned to the State First Nations Voice by or under this Act or by the Minister.

Advisory Committees

To ensure diversity within the First Nations community, the State Voice will establish and hear from the following 4 'Advisory Committees':

- ▶ Native Title Bodies Advisory Committee.
- ▶ Stolen Generations Advisory Committee.
- ▶ First Nations Youth Advisory Committee; and
- ▶ First Nations Elders Advisory Committee.

Members of these committees will not be elected; the State and Local Voices will choose the members (who cannot be Members of the State or Local Voices). These advisory committees will provide advice directly to the State Voice about important matters for their committee's focus.



Summary

The establishment of the SA Voice and its associated administrative and governance structures promises a mutually beneficial impact across all levels of government, non-government organisations, and the broader South Australian population. The SA Voice serves as a conduit for deeper insight into the needs and priorities of communities, fostering better cultural competencies and governance in the decision-making of government, and through strengthened partnerships and equalised participation between Aboriginal and non-Aboriginal bodies.

This is further demonstrated through a series of key themes reflected throughout the duration of my time as Commissioner and further discussed below.

Empowering Aboriginal Communities

The SA Voice plays a crucial role in empowering Aboriginal communities by acknowledging their collective rights to self-determination and inclusion of social services. It will establish a platform for direct representation, allowing elected representatives to speak freely on matters of interest. The SA Voice's flexibility, consultation processes, and transparency empower Aboriginal people to advocate for community priorities in a public and accountable manner.

Each Local Voice body will talk to and listen to Aboriginal people, engage with government or other organisations in the local area about issues important to them directly from the grassroots of their communities, and share their community's views with the State Voice.

Each Local Voice will have the flexibility to decide how it will engage with communities and can talk to and consider matters of interest to local Aboriginal people with public sector agencies, local government, and other organisations through consultation and collaboration. This will provide the opportunity for Aboriginal people to advocate for community priorities in a public, transparent, and accountable way.

The SA Voice will determine its own priorities and agendas, both at the Local and State Voice levels and the State Voice has the discretion to engage with and provide advice to other levels of government, including across public services and with other states and territories.

The SA Voice is an effective measure to empower Aboriginal people to ensure their priorities, interests, and systems are projected to the public, while ensuring Aboriginal people can understand and be understood in political, legal, and administrative processes within government and other responsible bodies. It will foster partnerships, respect, accountability, and transparency by equalising participation in informed decision-making that contribute to more effective outcomes overall.

I believe the SA Voice will fundamentally shift the balance, address injustices and racial biases, and ensure a more equitable society and future for Aboriginal people. The community's voice will determine the needs and aspirations and provide a more accurate narrative of the concerns and priorities of Aboriginal people. It will create a better understanding of community needs, contributing to better outcomes.

Enhanced Opportunities and Better Outcomes

Aboriginal people have a right and invested interest to determine and develop priorities and strategies in support of the needs and development of their communities. More specifically, they have the right to actively participate in the development and administration of programs and services in areas such as health, housing, education, infrastructure, employment opportunities, and addressing social challenges, for example, incarceration rates, access to resources like fresh food, and the healthy birth weights of our young, as well as the proposed initiatives that affect them and their communities.

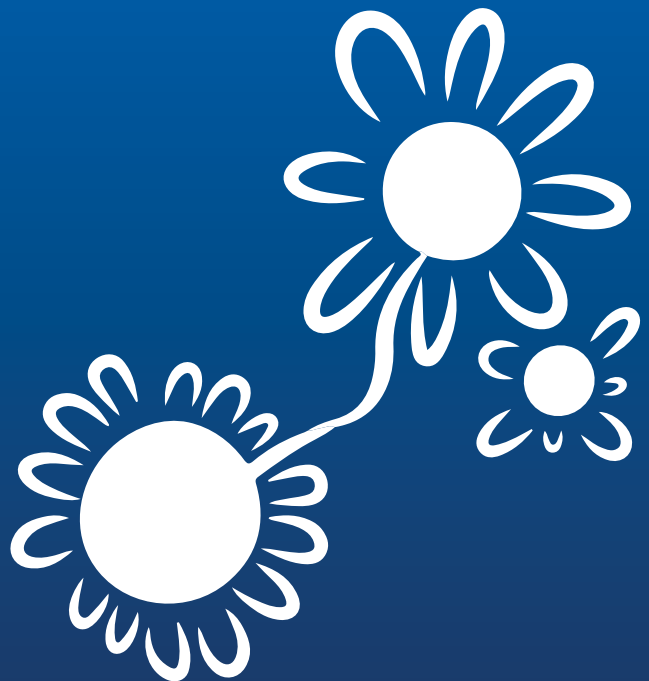
From personal experience and from what community have told me, the role of the SA Voice in advising on government policies, programs, laws, and funding is critical to ensuring an Aboriginal perspective. This should fundamentally be the standard practice of government and responsible bodies in their decision-making processes.

It goes without saying that for some time our community has been asking for direct involvement in the decision-making of the affairs of Aboriginal people and providing informed views that will lead to more targeted, effective, and equitable outcomes that positively impact the lives of Aboriginal people. This brings this idea to reality.

The SA Voice will enable Aboriginal people and governments to work more closely together and develop genuine partnerships to help achieve this.

Through improved representation of Aboriginal priorities, it will lead to enhanced opportunities for services and resources that meet the needs of community. It will uphold a greater level of responsible decision-making and oversight through a coordinated and structured approach to present community matters, including delivering results through services and programs, while also ensuring the effective and best use of resources and government funding when delivering Aboriginal priorities.

This is an opportunity for Aboriginal people, government, and organisations to provide a more balanced approach to the governance and accountability where Aboriginal people and the state government can shape the future together.



Conclusion

Community has been unequivocally clear in what they are asking for to move forward and what is needed in the model to ensure it is effective for its purpose and the Aboriginal community. They are in support of the SA Voice for this reason. They remain cautious in the hope of the SA Government's commitment to this independent mechanism and are hopeful of its independence.

The independence of the SA Voice is essential to ensuring that Aboriginal communities do not continue to fall under the control or fall victim to Government priorities and can move forward as a partnership, led by self-determined priorities.

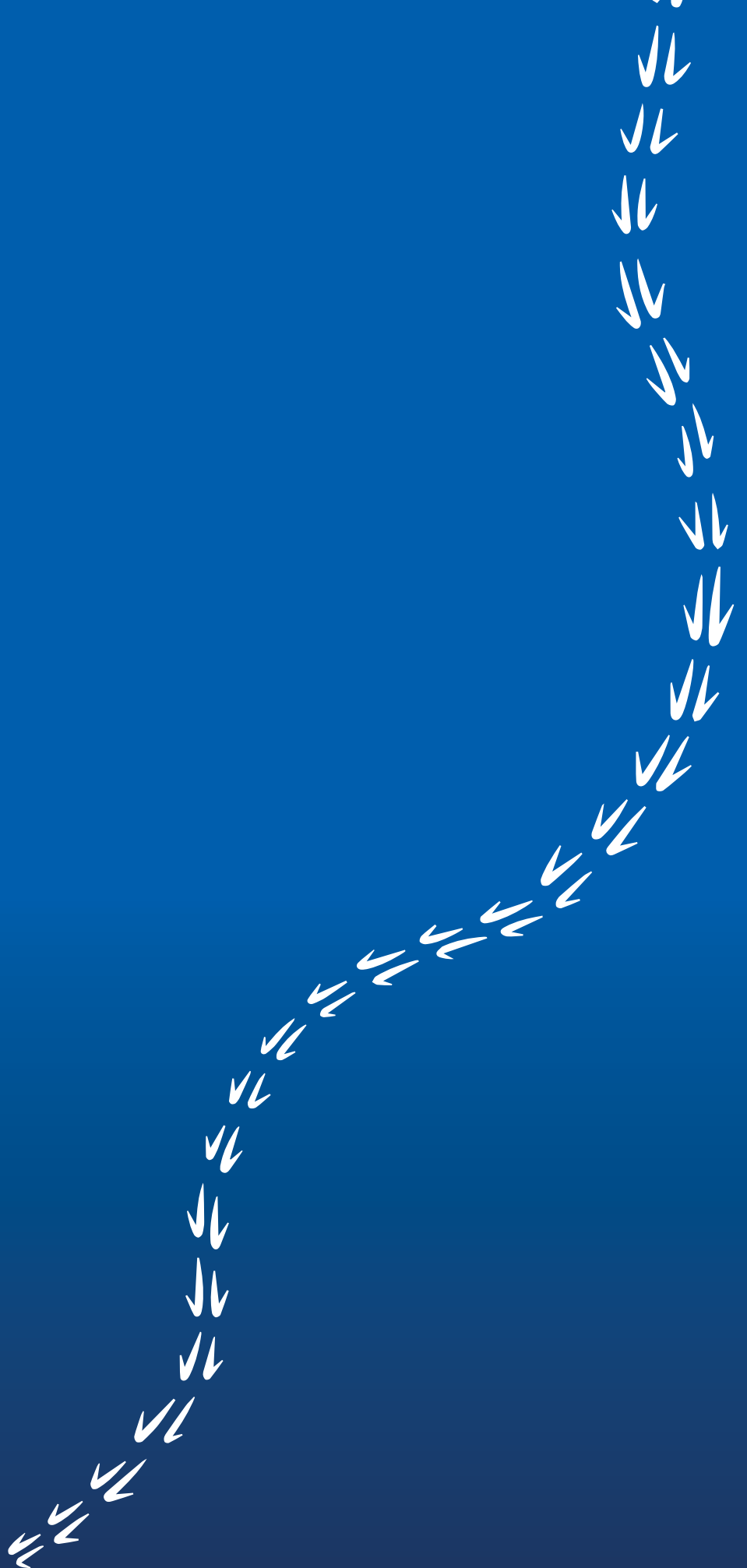
The commitment from the SA Government to implementing the SA Voice supports a first step to implementing the Uluru Statement's reforms here in South Australia. The SA Voice creates simultaneously shared value, influencing governance, administrative arrangements, and procedures at various levels.

It not only addresses historical injustices and provide the opportunity to contribute to more inclusive governance and accountability across the board. The SA Voice represents an opportunity to overcome inequality and achieve better collective outcomes for Aboriginal people within SA, government, organisations, and other bodies, as well as the broader population.

Communities hope the SA Voice will be a chance for the recognition and legitimacy of Aboriginal inherent rights and become a path forward for the empowerment and advocacy of Aboriginal communities and their partnerships and enhancing participation in decision-making practices that contribute to more effective outcomes.

Although there remain areas of improvement for consideration in the future as the SA Voice matures, elected members settle into their role, and the SA Voice takes effect. In its current form, it presents the first step for our people in a way forward for the future. I look forward to watching this space and seeing the outcomes and successes of the SA Voice, which are hopefully echoed for years to come.







**FIRST
NATIONS
VOICE**
TO SOUTH
AUSTRALIA'S
PARLIAMENT