

South Australia's First Nations Voice to Parliament

Operation of Local and State Voices

Description: This factsheet provides information on the requirements and operations of First Nations Voice bodies, under the First Nations Voice Act. This includes meeting requirements, code of conduct and resourcing.

Overview

The First Nations Voice legislation provides flexibility for each Local First Nations Voice to decide how it will engage with communities, the Government agencies they want to connect with, and the matters they wish to engage on. Some requirements will need to be met.

Meetings

The First Nations Voice Act requires that:

- Each Local First Nations Voice, and the State First Nations Voice, meet at least four times, and at most six times a year. The Minister can approve additional meetings as necessary.
- The joint presiding members will Chair the meetings.
- Meetings can happen remotely, and minutes must be kept for each meeting.
- The State First Nations Voice must convene an annual meeting of all the Local First Nations Voices.

Local First Nations Voice representatives will not be able to nominate proxies for meetings, as a proxy must be a person who has been elected in the Voice process.

A member of the State First Nations Voice can appoint a member of their Local First Nations Voice to act as a proxy if their joint presiding member is unable to attend a State First Nations Voice meeting.

The legislation requires that the Voice will vote on decisions at meetings. It also outlines how deadlocks will be dealt with.

Behaviour and conduct of Voice members

As an elected body, First Nations Voice members are ultimately accountable to the community they represent. Candidates will need to show how they will best support their community when they campaign for election.

The State and Local First Nations Voice bodies should consider and represent the views of Aboriginal and Torres Strait Islander people in their regions and across the state.

A code of conduct may be developed by the Government, in consultation with the State First Nations Voice, which guides the behaviour and conduct expected of elected representatives. This may specify certain requirements regarding Voice representatives' behaviours, including acting honestly when performing their functions and declaring any actual or potential conflicts of interest.



Voice representatives must manage their conflicts of interest as required, for example, by stepping out of meetings or not voting on specific issues.

Removal from positions

A member of the Local State First Nations Voice or State First Nations Voice can be removed from their positions under certain circumstances, by the Governor of South Australia. This could be for:

- misconduct, or conduct that could bring the Local First Nations Voice into disrepute
- breach of, or non-compliance with, a condition of office
- failure to comply with a duty to act honestly or in accordance with a code of conduct (which may include failure to declare a conflict or perceived conflict of interest)
- the member has become bankrupt or has applied for insolvency
- the member has failed to carry out their duties satisfactorily, because of mental or physical incapacity.

This can only happen when recommended by the State First Nations Voice. A written request to the State First Nations Voice by the Local First Nations Voice must also occur if it relates to removing a member from the Local First Nations Voice. For a Local First Nations Voice to request this, the majority of members of the Local Voice must pass a resolution.

A member can also be automatically removed if the member:

- dies; or
- completes a term office and is not re-elected; or
- resigns by written notice to the Governor; or

- is sentenced to serve a period of imprisonment for an offence; or
- is found guilty of a serious offence; or
- is disqualified from managing corporations under Chapter 2D Part 2D.6 of the *Corporations Act 2001* of the Commonwealth; or
- is removed from office by the Governor under reasons referred above.

Resourcing

Voice candidates will receive an annual payment for service, along with meeting attendance fees (called 'sitting fees'). Travel and accommodation costs will also be covered to attend meetings. The annual payment is in recognition of work that will likely occur outside of official Voice meetings.

The First Nations Voice will be provided with:

- a Secretariat, consisting of Public Service Employees; and
- resources that the Voice would reasonably need to carry out its functions.

Specific details around resourcing will be decided by the Minister with the responsibility for funding decisions related to the Voice, in consultation with respective Local and State First Nations Voices.





Reviews

Aboriginal and Torres Strait Islander people told us the First Nations Voice should be flexible and be able adapt and improve over time.

The Act requires the First Nations Voice legislation be reviewed after 3 years of operation. This is an opportunity for Parliament and the Voice to consider how the Voice is operating and recommend any improvements.

The legislation requires that the Minister appoint a First Nations person or organisation to undertake the review, on the recommendation of the State First Nations Voice.

For more information, go to:

<https://www.agd.sa.gov.au/first-nations-voice/>

www.savoicerelection.sa.gov.au/

