

## The right constitutional change for us.

Diverse opinions regarding Constitutional reform should be welcome from all quarters, including the multiple and varied perspectives from First Peoples of Tasmania. *melythina tiakana warrana* Aboriginal Corporation have submitted a model of Constitutional reform to the parliamentary Standing Committee on Community Development to address what we believe is the critical element for a successful change – simplicity.

While the Commonwealth debate flames with all manner of insertions, deletions and demands, there are some dangerously narrow terms to the debate. These terms rest with separatists who see this opportunity to either reproduce historic models that have patently failed or certainly not delivered on their promise, such as Noel Pearson's advocacy for the Waitangi Treaty, or forge incredulous seventh state models of complete Indigenous independence, such as the views held by Mr Michael Mansell of the Tasmanian Aboriginal Centre. With a weighty reliance upon the Waitangi Treaty to serve as the Australian blueprint, let's not forget Edward Taihakurei Durie's words as Chief Judge of the Maori Land Court in 1989 that Treaty cannot exist without explicit recognition of the settler state: 'We cannot claim our own rights if we do not first respect those of others'. The separatist lights must surely dim upon grounds that must be paced together in mutual recognition, rather than a game of one-upmanship. Treaty should not be about bargaining for Country, it should be how we negotiate to care for it.

Our State Constitution should reform and the reform should not be led by Commonwealth models that do not adequately reflect who we are as Tasmanians and what we want from dignified and respectful acknowledgement of First Peoples. We believe that Tasmanians can separate out the national debate from those at home, because our State Constitution is a different document in its entirety and deserves its own focus. Our Premier was right to link Constitutional reform to the Tasmanian Wilderness World Heritage Area engagement with First Peoples under free, prior and informed consent conditions because this plan will help deliver on the 'Promise' that was made by Robinson to Mannalargenna in 1831 on the very lands now co-managed by *melythina tiakana warrana* Aboriginal Corporation and promoted in the Tebrakunna Visitors Centre. This 'Promise' established that if the First Peoples respected the settlers' right to be here, then we would have our rights to hunt, fish and continue customary law across our Country.

On this basis, *melythina tiakana warrana* Aboriginal Corporation believe that we do not need a preamble, a Bill of Rights, independent parliamentary seats for First Peoples or a tightly-framed Treaty in our State Constitution. What we need is delivery of the 'Promise' through the means upon which we negotiate – a recognition that the First Peoples are a cultural peoples and have the right to continue to practice those traditions. This recognition would require an insertion into the Constitution, but it requires nothing more than a statement of how the government views First Peoples and where we sit under the Westminster system. This recognition is written into the draft plan of the Tasmanian Wilderness World Heritage area and will be a rights centrepiece to present to the World Heritage Committee's Reactive Monitoring Mission later this year. There is nothing to fear in recognition of cultural rights and something that all Tasmanians can be proud to write into the Constitution.

To transform recognition of cultural rights and peoples, an additional assertion could allow for an Act of Parliament to give rise to a First Peoples body that tables reports and issues of importance. This body, such as an Elders Council, would be Governor-approved, ministerially appointed and does not require any political allegiance beyond goodwill to all parliamentarians and working with the government of the day. There are no prescriptions as to what is required under a Treaty or Bill of Rights, rather, we act and negotiate as Tasmanians together, not as incumbents upon each other. The First Peoples body to carry forward reconciliation will sit alongside our parliamentarians in equal measure.

This model is the respect for the rights of all people to create a home and sanctuary, and to guard our precious cultural traditions, both First Peoples and other Tasmanians. The Tasmanian Wilderness World Heritage Area draft plan has demonstrated that First Peoples culture and leadership is a positive and welcome benefit to our State. Using this simple model of rights and transferring it to the Constitutional reform debate, the members of *melythina tiakana warrana* Aboriginal Corporation believe that Tasmania can become a more fair and humane society that lets us get on with the business of caring for our precious Country.

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