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1<sup>st</sup> July 2015

House of Assembly  
Parliament House  
HOBART TAS 7000

Dear Mr Buttsworth,

**RE:     STANDING COMMITTEE ON COMMUNITY DEVELOPMENT  
          A MODEL FOR CONSTITUTIONAL REFORM**

The Tasmanian Constitution is our foundation document; it speaks to our future as a community together. The Constitution recognises our common governance in the Crown and the Parliament and gives rise to flexible powers that nurture our deliberative democracy principles. The First Nations peoples of Tasmania wish to re-set the relationship with other Tasmanians to reflect our commitment to dignified, respectful and honest dealings with government that our Constitution should enable. The need to reform our current Constitution acknowledges a deep connection that First Nations peoples of Tasmania hold to our Country and builds our social capital as a State to advance a more humane and fair society.

We believe Tasmanians are a generous and resourceful people. We are proud to belong to the First Nations Peoples of this land and the heart of our culture. We extend a welcome offer to anyone to walk with us in conciliation and joy in celebrating our unique cultural practices that have only one home, our home, Tasmania. As a State, our regional communities are paramount for building relationships that will carry forward our vision of equity, working together for healthy, creative, productive and enduring communities. We have faith in the notion that Tasmanian people share a common aim: that rights for all peoples are written into the materiality of our Constitution.

In this spirit, we offer a model for Constitutional reform. This model is a simple structure which looks to all subsequent and unknown acts that concern First Nations relationships with the government; we cannot predict the future but we can plan for seamless and supportive social, economic and environmental frameworks that will work for all Tasmanians. It does not presuppose any element of Constitutional reform beyond our right to (a) practice our culture and (b) have issues of State importance raised in Parliament. This model allows all Tasmanians to participate in the rights to protect our precious First Nations cultural practices for future generations.

This model also does not require a preamble, nor does it require the repeal of any sections. There is no need for exclusivity in quarantining specific First Nations Parliamentary seats or devising sunset clauses that render any party limited. This model effectively provides for Treaty conditions to negotiate relationships and agreements as and when required.

This model has only two considerations: continuance and recognition powers. Instituting these considerations would only require the addition of two insertions to the Constitution. Therefore, the model we present for your deliberations contains two elements:

- Section 6 of the Constitution gives rise to the powers of the Governor of Tasmania with regard to continuance, whereby if the Crown is dissolved, there is a continuing role for the Governor. This is the appropriate place to acknowledge First Nations peoples as having the same rights and, as an “authority with continuance”, will have similar status to the Governor of Tasmania. One insertion in this Section will establish the ceremonial nature of our status – the recognition by Parliament of how First Nations peoples are viewed in relation to the Crown.
- Section 7 of the Constitution is an appropriate place to give rise to “recognition powers”, which can outline that the Governor will appoint, by an act of Parliament, a structure to give rise to continuance and recognition powers on behalf of First Nations peoples of Tasmania. This structure, such as a Governor-appointed Elders Council, will be the body that tables Parliamentary reports and matters of State importance to the Tasmanian Parliament. Therefore, our sovereignty can be addressed without affecting the fabric of the Constitution, our issues can be raised without impeding our Westminster system and our rights can be negotiated rather than set over time.

I thank you for the invitation to make a submission regarding Constitutional reform in Tasmania. This representation affirms that First Nations peoples’ goodwill for reform exists and that Tasmanian cultural practices will prevail and thrive under equitable conditions.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Lee' with a stylized flourish.

EMMA LEE

Spokesperson, *melythina tiakanna warrana* Aboriginal Corporation

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