

# 'Reset the Relationship': modelling a Voice to Parliament in Tasmania

December 2023



# Acknowledgement of country

We acknowledge and pay respect to Tasmanian Aboriginal Peoples as the First Peoples and sovereign nations of Tasmania. We also acknowledge and pay respect to other Indigenous Peoples who live on our country in kinship with us.

We recognise the cultural, spiritual, and heritage beliefs and connections to country of Tasmanian Aboriginal Peoples that continue to be vitally important, as they always have been.

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



## 'Reset the Relationship': modelling a Voice to Parliament in Tasmania

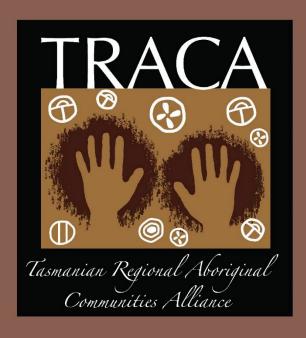
Co-designed by

Tasmanian Regional Aboriginal Communities Alliance (TRACA)

Professor Emma Lee

**Associate Professor Jennifer Evans** 

Report cited as: *tebrakunna* country and Lee, E, Evans, J & TRACA, 2023, *'Reset the Relationship': modelling a Voice to Parliament in Tasmania*, Federation University and University of Tasmania, AIATSIS Indigenous Research Exchange, AIATSIS, ACT.









# Contents

| Acknowledgement of country  | 1  |
|---|----|
| Statement on Non-publication of Final Report                                | 4  |
| Explanatory Note  | 5  |
| Project Background  | 6  |
| Project team  | 6  |
| Original project proposal description                                       | 6  |
| Project aims  | 6  |
| Project Context   | 7  |
| Mannalargenna Day and nesting discussion on tebrakunna country              | 7  |
| 'Reset the Relationship': previous steps towards constitutional recognition | 9  |
| Gaps with the 2021 'Pathway to Truth-telling and Treaty' report             | 10 |
| Background to Indigenous Voice  | 11 |
| Halt to our research  | 13 |
| Referendum Aftermath  | 14 |
| Risk management   | 14 |
| Free, prior and informed consent  | 14 |
| Positive Social Impacts from Indigenous Research                            | 16 |
| Co-design research impacts  | 16 |
| Community confidence and vitality   | 16 |
| Video Production  | 16 |
| References  | 18 |

# Statement on Non-publication of Final Report

As an Indigenous-led project, and in honouring country, Elders, senior men and women, multiple Tasmanian Regional Aboriginal Communities Alliance (TRACA) communities and their members, we respect the right to be culturally safe and ethically secure in co-designing and participating in research.

Social and political conditions are not safe for many Indigenous Peoples after the negative Indigenous Voice referendum result on 14<sup>th</sup> October. The strain on mental, emotional and cultural health in the lead-up and aftermath of the referendum is real and means that our co-designed research now has to be conducted in a different way.

This way is to invoke our ethical commitment to the AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research and the principles of free, prior and informed consent. Our research also included a risk management matrix for changing government decisions and environments. These two issues are now central to our decision-making after the overwhelming negative referendum.

It is incumbent upon researchers to ethically care for Indigenous participants. In our research team discussions, it is now apparent that the public release of research outcomes puts TRACA and us at great risk of political, cultural, physical, emotional and intellectual harm. To name a few, these harms include:

- A continuance of unwanted social media intrusion, lies/misinformation and threats that characterised the No Vote;
- flow-on effect to TRACA relationships with state and federal governments and their other projects, agreements and arrangements. This is tied to associative risks for TRACA relationships with industry, research and NGO partners;
- reputational loss;
- mental health impacts and communal loss;
- loss of free, prior and informed consent through uncertain futures and unknown risks regarding government policy towards Indigenous Peoples; and
- the loss of Intellectual Property that potentially could be reconstituted at a later date to research that adapts the findings in more positive social and political settings.

These harms cannot be controlled for or by the Indigenous-led and co-designed research project. This is through no fault of anyone associated with the project or a lack of rigorous and high-standard research. Rather, the non-publication of materials is to protect the right of TRACA to consider report materials on their terms and in their timeframe to make benefit from their immense efforts.

TRACA needs time for deep reflection, community discussion and consultation in the face of resounding rejection for the Indigenous Voice and how that impacts our co-designed research work. Our job as Indigenous researchers is to ensure they are culturally and ethically protected from harms, real or otherwise.

#### **Explanatory Note**

Sometimes research is deeply affected by external conditions that bring projects to a crashing halt. We find ourselves in this moment. Our first thoughts and priorities are to care for our Aboriginal communities who have so graciously and generously given of their time, knowledge and experience in our co-designed project to model an Indigenous Voice to Tasmanian government and parliament.

As one [Chief Investigator Emma Lee] of the 52 authors for the Federal Government's 2021 commissioned report for 'Indigenous Voice Co-design Final Report', which outlined the detail and framework that would support the Voice element of the Uluru Statement, I felt there was clear state and national bi-partisan support for progress of Indigenous inclusion in the Australian constitution and the provision of Indigenous advice to government. Polls were running high, an air of progress seemed to prevail, and Indigenous Australians were hopeful that a successful, modest proposal for an Indigenous Voice would reflect decades of reconciliation work.

As a new Federal Government came to power in May 2022, the Prime Minister, Mr Anthony Albanese, was explicit in his opening address by committing fully to implementing the Uluru Statement from the Heart, starting with enshrinement of an Indigenous Voice.

As for our project, we were tracking nicely. One of the project outcomes included the production of a video that outlined Aboriginal and other Tasmanian support for an Indigenous Voice in Tasmania and now uploaded to Yumi Sabe. We had finished the bulk of community meetings and inputs for the draft report and had finalised arrangements for the draft to be reviewed by TRACA in a face-to-face weekend workshop.

And then the 14<sup>th</sup> October referendum happened and Aboriginal and Torres Strait Islander Peoples and our allies have been shattered by the resounding negative result for our inclusion in Australia's constitution. We are still hurting; we are still coming to terms with the fallout of being told by the greater Australian public that we are not be welcomed into the constitution and we will not have the right for a governance body to provide advice on issues of cultural and spiritual importance to us.

Our research has been halted. However, as Indigenous researchers, we need to make account of our decision to ethically care for our families, communities and research participants.

For context, this short report outlines:

- Project Background
- Project Context
- Referendum Aftermath
- Positive Social Impacts from Indigenous research.

# **Project Background**

#### Project team

In early 2022, Professor Emma Lee, National Centre for Reconciliation, Truth, and Justice, Federation University, and Associate Professor Jennifer Evans, College of Health and Medicine, University of Tasmania, co-designed with the Tasmanian Regional Aboriginal Communities Alliance (TRACA) a project to investigate processes and models for an Indigenous Voice to Tasmanian government and parliament.

#### Original project proposal description

In October 2021, a report commissioned by the Premier of Tasmania on a Pathway to Truth-telling and Treaty was tabled in parliament. The report, in noting its purpose and origins in the Uluru Statement from the Heart, excluded an Indigenous Voice to parliament and government from its assessment. This project seeks to understand the expressed needs and aspirations of Tasmanian Aboriginal communities with regards to the provision of models and processes for an Indigenous Voice to Tasmanian parliament and government. The project is timely, given that the Federal Government wanted a referendum on Indigenous Voice in its first term.

This project will result in the development of a model for an Indigenous Voice to Tasmanian parliament and government that is designed by TRACA. It will increase Aboriginal Tasmanian self-determination rights to engage with, and reduce Aboriginal Tasmanian disadvantage, in civic engagement.

#### Project aims

- To innovate by using a social impact framework to understand the expressed needs and aspirations, and the benefit of an Indigenous Voice to Tasmanian government and parliament.
- To create a broad-based model for instituting an Indigenous Voice to Tasmania through the constitution of local and regional processes.
- To build on previous gains between TRACA members and Indigenous researchers, that informs healthy democratic participation and mutual benefit.
- To tailor responses to Closing the Gap that allows for Aboriginal Tasmanian expertise and accounts for the cultural nuance of local and place-based needs through advice to Tasmanian parliament and government.

# **Project Context**

#### Mannalargenna Day and nesting discussion on tebrakunna country

In a quiet north-east corner of Tasmania, the lands, seas and skies of *tebrakunna* country are saturated in colours of saltwater aquamarine blue, dazzling white sands and the pocked orange rocks that *trawlwulwuy* and *pairbeene* peoples have called home for thousands of years. *tebrakunna* country is comprised of ancestral beings, Elders, communities and families, and knowledge, practices, protocols, arts and customs, that have guided the *trawlwulwuy* and *pairbeene* peoples in caring for country for over 40,000 years.

tebrakunna country is not only a special place for trawlwulwuy and pairbeene peoples, but also for other Tasmanian Aboriginal and Indigenous peoples. The lands upon which the Tebrakunna Visitors Centre are located, now known as Cape Portland, played a very important role in colonial history — one that has continued today. In 1831 Mannalargenna, the revered warrior, Elder, statesman and, for many, a much-loved grandfather, helped to negotiate one of the first Australian land rights agreements to keep tebrakunna country safe and for trawlwulwuy and pairbeene peoples to flourish.

Known as 'The Promise', Mannalargenna brokered an arrangement with George Augustus Robinson for Tasmanian Aboriginal peoples to voluntary move to a settlement at Wybalena on Flinders Island to escape the colonial genocide and return later to country when it was safe to do so (Plomley 2008, p. 427):

I developed my plans to the chief MANNALARGENNA and explained to him the benevolent views of the government towards himself and people...I informed him in the presence of KICKERTERPOLLER that I was commissioned by the Governor to inform them that, if the natives would desist from their wonted outrages upon the whites, they would be allowed to remain in their respective districts and would have flour, tea and sugar, clothes &c given them; that a good white man would dwell with them who would take care of them and would not allow any bad white man to shoot them, and he would go with them about the bush like myself and they then could hunt.

Robinson, as a solemn envoy of God and Governor, may have 'conciliated' us off our country, but grandfather Mannalargenna, with a foreknowing, captured an agreement to ensure our return.

However, the Tasmanian colonial government did not keep to their end of the bargain. Many may know of the Wybalenna Petition, the 1846 letter from multiple clan Elders on Flinders Island to Queen Victoria that reminded the colonial government of the substance of the Promise and terms to be met (Colonial Secretary Office 1846, pp. 13–14):

Your Petitioners humbly state to Y.M. that Mr. Robinson made for us & with Col. Arthur an agreement which we have not lost from our minds since & we have made our part of it good.

Your Petitioners humbly tell Y.M. that when we left our own place we were plenty of People, we are now but a little one.

For Tasmanian Aboriginal peoples, 'The Promise' is still in our hearts. Mannalargenna perhaps saw into a future, past the cultural, emotional and physical devastation that invasion had wrought in the early to mid-1800s, to a time where *tebrakunna* country was recognised as a sovereign place and cared for by the traditional owners, continuing custodians, families and communities - as it has for two thousand generations previously.

In December 2015, to commemorate and celebrate the life of Mannalargenna, the inaugural annual Mannalargenna Day was held on the grounds of the Tebrakunna Visitors Centre. The cultural event is

open to the public, provides a free lunch of Tasmanian Aboriginal foods (including abalone, crayfish and muttonbird) for over 500+ visitors, and is aimed at creating a culturally safe space for young Tasmanian Aboriginal people to learn from their Elders as much as for the public to know tebrakunna country. Aunty Patsy Cameron, a founder and Elder of Mannalargenna Day, states that in honouring ancestors and creating goodwill, it is:

...just so important that non-Aboriginal Tasmanians have some understanding about present-day Tasmanian Aboriginal history and culture, and how we reconnect with our country (ORIC 2020).

Mannalargenna Day has become a place of good yarns, learning together on country and Aboriginal cultures, histories and heritage as primary. It has become the place upon which we can gather, Aboriginal and other Tasmanians, to speak to the truths and hopes in caring for *tebrakunna* country. It is certainly a place where Mannalargenna's authority to speak – through country, through the Elders, through broader societies – is respected and reflected on. By this, Mannalargenna's knowledge of Law and actions to protect country and ensure our future survival are still pertinent, relevant and guide many Tasmanian Aboriginal peoples and his grandchildren today.

It is with this is mind – our familial and cultural connections to Mannalargenna, The Promise and *tebrakunna* country – that we nest discussions about co-designing an Indigenous Voice to Tasmanian government and parliament during Mannalargenna Day. The opportunity to speak to Aboriginal and other Tasmanians on *tebrakunna* country about how good governance relationships can occur between us is culturally appropriate.



#### 'Reset the Relationship': previous steps towards constitutional recognition

Tasmania has a recent political history of engaging with Tasmanian Aboriginal peoples on broader issues of social justice, reconciliation and good governance. In January 2015, the Tasmanian Liberal government called for recognition of Tasmanian Aboriginal peoples in the state's constitution (Hodgman 2015). Tasmania was also the last state to enact a preamble in the constitution to make recognition of Indigenous Peoples as traditional owners and continuing custodians of their lands and waters.

In December 2016, less than two years since government raised the idea, and by way of a Parliamentary Committee state-wide consultation process and the successful passing of a government Act for constitutional change, the Governor of Tasmania gave the Royal Assent for constitutional recognition (Lee 2019). We, as Tasmanian Aboriginal peoples, were recognised as the traditional custodians of the lands and waters of Tasmania and could derive social, cultural and economic benefit from deep connections to country. The government of Tasmania underpinned the spirit of constitutional change by forgoing a non-justiciable clause that other states had (Parliament of Tasmania 2015). By this, recognition in other state constitutions is accompanied by a clause that does not give effect to the statement, instead becoming less meaningful without formal commitment.

Constitutional recognition was just one outcome of a suite of rights developed in a rapid period between 2014-2016 by the Tasmanian government. An umbrella policy position, entitled 'Reset the Relationship' (Reset) and launched early in 2016, was largely co-designed with multiple Aboriginal organisations, communities, families and interests to achieve progress towards three ends of recognition, reconciliation and real outcomes (Department of Premier and Cabinet 2023). Other outcomes closely aligned to Close the Gap targets, such as a \$24m funding increase in education, health and employment funding, stronger heritage laws and the alignment of Aboriginal eligibility policies for government services with state and Commonwealth definitions (Lee 2019).

The strategy of Reset is premised on good governance with Tasmanian Aboriginal peoples. However, the shape and form of those Indigenous-led partnerships, relationships and collaborations with the Tasmanian government are yet to be formalised in a way that guarantees durability and enduring social impact. A legitimate and formal mechanism that allows Aboriginal advice on policies that affect us to inform government decisions is sorely needed to be instituted.

The intent for positive relationships between Tasmanian Aboriginal people and the government, which led to constitutional reform, needs to be nurtured and refreshed with new ideas, new measures and new Indigenous-led initiatives that give relief to our disadvantage. Reset requires maintenance, however the foundations are firm in negotiating benefits from recognition, reconciliation, especially Aboriginal self-determination, and real outcomes. In considering our research, we see the development of models and processes for an Indigenous Voice to Tasmanian government and parliament as a means to inject new impetus into old relationships to keep improving standards of care towards First Peoples.

While Reset has served a good purpose to reframe Tasmanian Aboriginal engagement with the government and benefitted multiple Tasmanian Aboriginal communities, families and organisations, more needs to be done to addressing, establishing and strengthening good governance at the highest level of government decision-making. Indigenous Voice is a current, Indigenous-led model designed nationally by Indigenous Elders, senior men and women, and community leaders (Commonwealth of Australia 2021) that has cultural merit to apply in Tasmania.

#### Gaps with the 2021 'Pathway to Truth-telling and Treaty' report

In November 2021, and springboarding from earlier Reset outcomes, the Tasmanian Government was delivered a commissioned report called the 'Pathway to Truth-telling and Treaty'. This report, specifically requested by the former Premier of Tasmania, Peter Gutwein, was rapidly produced over four months and was not co-designed with Tasmanian Aboriginal people (see Evans 2023). Instead, non-Aboriginal people were tasked with conducting consultations and compiling a 'pathway' to investigate how Truth-telling and Treaty might progress in Tasmania (Warner, McCormack & Kurnadi 2021). The process of non-Aboriginal people leading work on local Aboriginal issues was at odds with other jurisdictions in Australia that looked to Indigenous peoples and communities as central to defining and designing structures that would advance Indigenous rights.

The Pathway report took its inspiration from the Uluru Statement from the Heart (Warner, McCormack & Kurnadi 2021). The Uluru Statement, an Indigenous-led process delivered to the Australian government in May 2017, comprised three parts: Truth-telling, Treaty and an Indigenous Voice to parliament and government (Referendum Council 2017). The Pathway report contextualised its findings around two elements of the Uluru Statement, these being Truth-telling and Treaty. However, the authors made little mention of an Indigenous Voice, a shocking omission given that at the time a national process was well underway from the Australian Government to codesign the framework for an Indigenous Voice to parliament and government (Commonwealth of Australia 2021).

In choosing which themes of the Uluru Statement to include and exclude, the Pathway report interrupted the Elder-guided, cultural blueprint of the Uluru Statement to address Indigenous disadvantage. The exclusion of Indigenous Voice raises questions as to how Tasmanian Aboriginal people are meant to formally negotiate Treaty arrangements with government, let all tell the truth in parliamentary and other settings. More so, the lack of co-design with Tasmanian Aboriginal peoples in a rushed timeframe speaks to the imperative that an Indigenous Voice is needed for long-term commitments to improve the cultural standing, authority and ability of Tasmanian Aboriginal people to care for country under our own self-determined conditions and according to 40,000 years of knowledge and practice.



#### Background to Indigenous Voice

In May 2022, the newly elected Prime Minister, Mr Anthony Albanese, opened his acceptance speech by:

...acknowledging the traditional owners of the land on which we meet. I pay my respects to their elders past, present and emerging. And on behalf of the Australian Labor Party, I commit to the Uluru Statement from the Heart in full (ABC Online 2022).

The Uluru Statement from the Heart is a collective Indigenous decision to guide constitutional recognition, better policy and government relations. The statement was devised through consultation with Indigenous Peoples and has its roots in the work started by the Federal government's Expert Panel on Constitutional Recognition of Indigenous Australians in 2010 (tebrakunna country and Lee, Richardson & Ross 2020). Since the Expert Panel released its report in 2012, another two new bodies and reports were created across 2014-15 to deepen the findings and expand on constitutional recognition.

A bi-partisan Parliamentary Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples was established in 2015 to undertake more consultations to confirm earlier recommendations in three reports from 2012-15 (Morris & Pearson 2017). A Referendum Council was created under the Joint Select Committee and in 2016 the Federal Government gave it clear approval to test recognition models it had drafted. There were five proposals raised broadly under three areas of interest within Australia's constitution: amendments to race powers, First Peoples acknowledgement within or outside of the constitution, and a federal Indigenous body and voice to directly advise parliament and government (Referendum Council 2017). The Referendum Council then held 12 regional dialogues held across state and territories with peak Indigenous bodies to discuss the proposals (Referendum Council 2017).

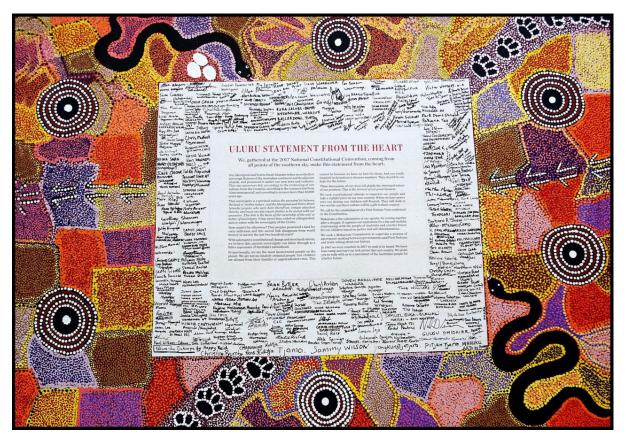
The Uluru Statement, an output of the Referendum Council, was concluded by multiple Indigenous delegates as the public-facing document in May 2017. Of the five proposals two could be said to have largely made it to the Uluru Statement – constitutional recognition and a parliamentary Indigenous Voice. The Federal Government, while aware of the work it had commissioned, dismissed the Uluru Statement out of hand, prompting that the Uluru Statement was unworkable, especially the concept of an Indigenous Voice to parliament. The rejection of the Uluru Statement was premised that an Indigenous Voice would be considered a 'third chamber' in a two chamber Westminster System and neither "desirable or capable of winning acceptance" in a public referendum vote (Turnbull 2017).

However, the new Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples decided that in 2018 it would undertake a co-design process to create the models and processes for an Indigenous Voice. The former Minister for Indigenous Affairs, Ken Wyatt AM, instigated a national program in October 2019 that compromised a Senior Advisory Group, a National Co-Design Group and a Local & Regional Co-Design Group and tasked them to define the framework that would be put to public consultation (Commonwealth of Australia 2020). The resulting *Indigenous Voice Co-design Process Interim Report to the Australian Government* (2020) was then road-tested in early 2021 for public consultation and engaged with approximately 9400 people and organisations across Australia for a final report in early 2021 (Commonwealth of Australia 2021).

At the time of the Federal Liberal government's decision in 2019 to co-design the models for an Indigenous Voice to Parliament and Government, the process was clear that the report would

diverge from the Uluru Statement in that the issue of constitutional enshrinement would not be considered (Commonwealth of Australia 2020). Come the federal election of mid-2022, however, the Labor Party staked a policy position of committing to the Uluru Statement, including constitutional change and enshrinement of an advice body.

In July 2022, the Prime Minister, Mr Anthony Albanese, outlined the Federal Government's process for progressing with Indigenous Voice. He called for a referendum to be held, which is required to change the national constitution, and put forward the draft question to be voted upon: "Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?" (National Indigenous Australians Agency 2022). The date was later set for Australians to vote in a referendum for Indigenous Voice on the 14 October 2023.



Uluru Statement from the Heart (2017).

#### Halt to our research

It is on the evening of the 14 October 2023, where Australians overwhelming voted against Indigenous Australians being welcomed into the constitution and for us to even have a say over issues of importance through the Indigenous Voice, that our research was effectively halted.



## Referendum Aftermath

To have our co-design members, participants and communities in such distress after October 14<sup>th</sup> has been sobering and painful. In realising that new risks now arose from the shocking rejection on Indigenous Voice, we outline how we contended with ethics and free, prior and informed consent in making our decision against publication of intended report materials and stopping the research.

Our research ethics has been governed by applying the AIATSIS Code of Ethics, regarded as a gold standard practice, to protect and promote Indigenous participants, especially Indigenous Cultural and Intellectual Property (ICIP). To demonstrate care towards ICIP by researchers is to understand the concepts and practice of free, prior and informed consent conditions.

#### Risk management

AIATSIS template guides for Participant Information Sheet and Informed Consent forms include Risk management. The template states, and which we retained: 'Any distress felt by any participant, or any trigger for trauma during the project, can be alleviated with support'. Distress within the project proposal took into risks such as loss of income, COVID risk and 'the federal government's proposed referendum is delayed or fails for national Indigenous Voice to Government and Parliament'.

Distress is real here; our response to manage the risk was drastically underestimated. In our estimation, the risk was more a political debate regarding the detail and process of how an Indigenous Voice would be implemented. A mistake made was not to super-size the risk into an outright refusal from the Australian public to extend basic rights of advice-giving and respond accordingly to that risk. Our underestimation of risk took us back to basics in reflecting on whether research participants could now be informed from prior work to freely give consent. As Indigenous researchers, if we cannot accurately provide information or risk management abatement, then TRACA co-design members cannot accurately give free, prior and informed consent.

#### Free, prior and informed consent

One ethical consideration is that any consent from TRACA members to the final report must be fulsome and both individual and collective. By this, individuals give consent to the use of their contributions and TRACA, as a co-design partner, would support the collective decision for consent among its membership. We made clear in our Participant Information Sheet and Informed Consent form that TRACA's participation was from a 'position of strength', which now cannot be guaranteed by the research team. With distress felt across multiple communities, participants original consent is fundamentally not possible to assume its continuance.

Given the range of anti-Indigenous opinions especially within social and mainstream media in the referendum lead-up, our research team have asked ourselves of TRACA: 'what are the risks and consent issues regarding final publication?'.

Accordingly, can it be true consent if it is now uninformed because our research team could not have foreseen the massive public swing against Indigenous Peoples, only take on risk that nibbled at the edges? From our perspective, publication will harm TRACA as we did not take into account the risk of information-sharing, only protection of ICIP, in a politically and socially hostile environment.

If Aboriginal and Torres Strait Islander Peoples are considered a vulnerable classification for human ethics, then the magnitude of risk to social, communal and individual cultural and spiritual health

must be taken into account. In the aftermath of the 14<sup>th</sup> October, our research team believe that because we misjudged the depth of political risk, we are likely to misjudge the risk of genuine and knowing free, prior and informed consent being given, especially potential consequences over the next few years.

In light of these concerns and embedding principles of co-design and shared decision-making, the research team and co-design partners collectively decided to halt the research and protect from potential harms through restriction on publication of report materials. However, it was collectively decided to keep the video production online as we are all proud of this output and a groundswell towards Indigenous Voice in Tasmania.

We can be proud of our prior achievements to 14<sup>th</sup> October, as a record of our contributions towards supporting Indigenous Voice on *tebrakunna* country during Mannalargenna Day.



# Positive Social Impacts from Indigenous Research

While we are all devastated that our good research results will not be shared in public, beyond the video production, there have been positive social impacts result from the process.

We note several aspects of the research here, including:

#### Co-design research impacts

TRACA community members and participants have an increased awareness and capacity to negotiate the terms of research. By this, greater knowledge about how free, prior and informed consent operates means that communities can control the research for appropriateness, cultural deliberation and broader benefit. Power dynamics between researchers, research institutions and Aboriginal communities can shift into positive territory for Indigenous Peoples when we are aware of our rights to co-design research, especially around concepts such as Indigenous Data Sovereignty.

#### Community confidence and vitality

In producing workshop materials, the research leadership demonstrated that while research participants may not have had a strong idea about the concept of Indigenous Voice, there was no corresponding need to make trivial the content about how an Indigenous Voice to Tasmania may be modelled. Communities pushed us to deliver outstanding research materials for their informed consent. In return, there was a cultural and intellectual depth to the range of process responses to an Indigenous Voice to Tasmanian government and parliament. Communities and individuals were confident to better articulate their stance on Indigenous Voice to raise awareness.

#### Video Production

The Indigenous-produced video on *tebrakunna* country during Mannalargenna Day 2022 is a research output highlight. Every Indigenous contributor felt a sense of pride in their participation and the high production values that made them shine. The video was seen more than just a *vox pop*, but rather a lasting legacy in contributing to the greater struggle of Indigenous recognition. The video is a reflection on the generous TRACA culture, from a place of safety, strength and sharing with allies, and imbued with Tasmanian Aboriginal kinship, reciprocity and welcome.

The intended impact of the project to develop processes and models for an Indigenous Voice to government and parliament in Tasmania was to build capacity, knowledge and civic engagement strength for TRACA communities. While the research has halted for the production of a final report, the increased knowledge, contributions and learnings that have occurred throughout are not in vain. Both TRACA and the lead Investigators have shared skills and increased our understanding of broader political environments and what is effective in negotiating frameworks from a cultural standpoint. We have been able to support each other in the referendum rejection through having developed a strong relationship over the subject matter. Conversely, because everyone was so invested, the distress of the rejection was felt at a greater intensity.

Yet, we learned together how to break down 'big picture' thinking into broad questions and themes. Deep thinking about scope, function, operation and ethics for Indigenous Voice models will have obvious impact as our futures take us into new fields of Indigenous recognition, community advocacy and research. Communication with government can be clearer too, as we have collective statements, such as from the video, about fairness, justice and equity for Tasmanian Aboriginal people.

While it is an unintended impact that our research was halted due to the referendum rejection, we have kept our research collective intact and united around TRACA's needs as primary. In triggering risk management and ethical protocols to halt research until the final workshop and survey communities' desires to either continue or not, there was trust that our co-designed process had held up and there were no miscommunications between lead Investigators and TRACA. That is an impact to be proud of, whether from unintended consequences or not. To manage distress without furthering harm is Indigenous research leadership.



## References

ABC Online 2022, 'Read incoming prime minister Anthony Albanese's full speech after Labor wins federal election', ABC News, 22 May, viewed 16 December 2023,

<a href="https://www.abc.net.au/news/2022-05-22/anthony-albanese-acceptance-speech-full-transcript/101088736">https://www.abc.net.au/news/2022-05-22/anthony-albanese-acceptance-speech-full-transcript/101088736</a>.

Colonial Secretary Office 1846, 'Flinders Island Aboriginal petition', *Colonial Secretary Office*, no. 11/1/26/378, pp. 12–15.

Commonwealth of Australia 2020, *Indigenous Voice Co-design Process Interim Report to the Australian Government*, Canberra, ACT.

Commonwealth of Australia 2021, *Indigenous Voice Co-design Process Final Report to the Australian Government*, Canberra, ACT.

Department of Premier and Cabinet 2023, *Resetting the relationship with the Tasmanian Aboriginal community 2016*, Tasmanian Government, Hobart, viewed 16 December 2023, <a href="https://www.dpac.tas.gov.au/divisions/cpp/aboriginal-partnerships/resetting-the-relationship-with-the-tasmanian-aboriginal-community-2016">https://www.dpac.tas.gov.au/divisions/cpp/aboriginal-partnerships/resetting-the-relationship-with-the-tasmanian-aboriginal-community-2016</a>>.

Evans, J 2023, 'Decolonising the Sustainable Development Agenda: The Voice of Country and Treaty', in K Beasy, C Smith & J Watson (eds), *Education and the UN Sustainable Development Goals: Praxis Within and Beyond the Classroom*, Springer Nature Singapore, pp. 83-104.

Hodgman, W 2015, *Australia Day, a time to reflect and reset*, media release 22 January 2015, Department of Premier and Cabinet, Tasmanian Government, Hobart, viewed 16 December 2023, <a href="http://www.premier.tas.gov.au/releases/australia">http://www.premier.tas.gov.au/releases/australia</a> day, a time to reflect and reset>.

Lee, E 2019, 'We love-bombed the Tasmanian government to win Indigenous rights', *ABC News*, 13 June, viewed 16 December 2023, < <a href="https://www.abc.net.au/news/2019-06-13/winning-indigenous-aboriginal-rights-in-tasmania/11202128">https://www.abc.net.au/news/2019-06-13/winning-indigenous-aboriginal-rights-in-tasmania/11202128</a> >.

Morris, S & Pearson, N 2017, 'Indigenous Constitutional Recognition: Paths to Failure and Possible Paths to Success', *Australian Law Journal*, vol. 91, pp. 350-359.

National Indigenous Australians Agency, 2022, *Referendum on an Aboriginal and Torres Strait Islander Voice*, Australian Government, < <a href="https://www.niaa.gov.au/indigenous-affairs/referendum-aboriginal-and-torres-strait-islander-voice">https://www.niaa.gov.au/indigenous-affairs/referendum-aboriginal-and-torres-strait-islander-voice</a> >.

ORIC 2020, *Breathing in Mannalargenna*, Australian Government, Canberra, ACT, viewed 16 December 2023, <a href="https://www.oric.gov.au/publications/spotlight/breathing-mannalargenna">https://www.oric.gov.au/publications/spotlight/breathing-mannalargenna</a>>.

Parliament of Tasmania 2015, 'The House of Assembly standing committee on community development met at Henty House, Launceston, on 12<sup>th</sup> August 2015', *Parliament of Tasmania*, Hobart, < <a href="http://www.parliament.tas.gov.au/ctee/House/Transcripts/12%20August%202015%20-%20Constitutional%20recognition%20of%20Aboriginal%20people%20-L'ton.pdf">http://www.parliament.tas.gov.au/ctee/House/Transcripts/12%20August%202015%20-%20Constitutional%20recognition%20of%20Aboriginal%20people%20-L'ton.pdf</a>.

Plomley, NJB (ed.) 2008, *Friendly mission: the Tasmanian journals and papers of George Augustus Robinson, 1829–1834*, 2<sup>nd</sup> edition, Queen Victoria Museum and Art Gallery and Quintus Publishing, Launceston, Tasmania.

Referendum Council 2017, Final Report of the Referendum Council, Commonwealth of Australia.

tebrakunna country and Lee, E, Richardson, BJ & Ross, H 2020, 'The 'Uluru statement from the heart': Investigating Indigenous Australian sovereignty', *Journal of Australian Indigenous Issues*, Vol. 23, No. 1-2, pp. 18-41.

Turnbull, M 2017, Response to Referendum Council's Report on Constitutional Recognition, Prime Minister of Australia Media Release, 26 October 2017.

Uluru Statement from the Heart 2017, *Uluru Statement from the Heart*, Uluru Dialogue, < https://ulurustatemdev.wpengine.com/the-statement/view-the-statement/>.

Warner, K, McCormick, T, & Kurnadi, F 2021, *Pathway to Truth-telling and Treaty*, viewed 16 December 2023, <a href="https://www.dpac.tas.gov.au/divisions/cpp/aboriginal-partnerships/truth-telling-and-treaty">https://www.dpac.tas.gov.au/divisions/cpp/aboriginal-partnerships/truth-telling-and-treaty</a>.

