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My Submission

With regard to Indigenous workers whose paid labour was controlled by Government there is a legal onus on the Government to repay to those workers and their descendants the full amount (+ interest) due to them.

Queensland's \$2,000 - \$4,000 buyoff is an insult which nowhere near acknowledges the level of financial confiscation endured by Aboriginal families. The Queensland Government was constantly warned of systemic failures and of active and passive breaches of its duty as a legal trustee, but failed ever to implement the necessary checks to prevent massive financial loss to its wards over many decades. Aboriginal poverty is largely a construct of this system. Queensland Premier Peter Beattie's scare tactic that litigation will take many years and millions of dollars is solely determined by the government's willingness or otherwise to provide promptly all information gathered to date for independent or judicial assessment.

Governments as trustees of these monies have a fiduciary duty to protect all interests of their 'wards', to manage and apply any monies held for the benefit of their 'wards' and not to exploit them for their own financial benefit. It appears from extensive research that Governments have failed in this fiduciary duty and must fulfill their legal responsibilities to the people (and their descendants) whose money they took into their control and did not account for. It is no excuse for a Government to claim that they have no records, or that records have been lost, or that they have no idea how much money is involved. Any legal entity (trustee) that has control of the money of others has to abide by strict accounting procedures and maintain these in a secure manner; any dereliction of these duties is a legally punishable offence: this obligation applies to the Government just as it does to the private sector.

I urge this Senate Enquiry to hold Governments responsible to recompense these Indigenous workers (and their descendants) by repaying the full amount plus interest due to them.

Catherine Gordon