

Additional Comments from Labor Senators

1.1 The ILC is not an ordinary fund. It has enduring symbolic importance that stretches beyond its activities.

1.2 As noted by the Department of the Prime Minister and Cabinet in its submission, the 'ILC was established as part of the Commonwealth's response to the recognition of the dispossession of Aboriginal and Torres Strait Islander people from their country.'¹ This is not a discrete aim—the fund is intended to operate indefinitely. The ILC and other stakeholders drew attention to the 'compensatory and perpetual nature of the Fund' in their submissions to this inquiry.

1.3 Labor Senators believe that the special nature of the ILC and the fund should be reflected in its governing legislation. The legislation should clearly state the purpose of the ILC and the fund, namely to address the dispossession of Aboriginal and Torres Strait Islanders from their land. It should also clearly state that the Fund is established and operated by the Commonwealth on the basis of a fiduciary obligation to sustain the Fund into perpetuity.

1.4 Labor Senators note the comments in the main report regarding oversight and accountability. Given the nature and purpose of the ILC and the Fund, however, it is appropriate that the Fund be subject to ongoing Indigenous oversight. Labor Senators support the establishment of an Indigenous oversight body (consisting of members of the ILC Board) to monitor the operations of the Fund.

1.5 Labor Senators note the complex overlapping jurisdictions and regulatory schemes governing water. In light of this, the Bill should make clear that the ILC has the right to hold water licenses in all jurisdictions regardless of any potential limitations placed on licensing by state or territory governments.

Senator Jenny McAllister
Deputy Chair

Senator Kimberley Kitching
Senator for Victoria

1 Department of the Prime Minister and Cabinet, *Submission 3*, p. 5.

