

Labor Senators Additional Comments

1.1 Labor Senators support strengthening the Land Account and commend the Indigenous Land Corporation (ILC) for its efforts with this Bill.

1.2 Labor Senators however cannot support the Bill as we have too many concerns about its current form. The Bill adds complexity, duplication and cost to the Land Account and the ILC.

1.3 There has been recent trouble in the governance of the ILC and its decision making in reference to the Ayers Rock Resort. To the credit of the current Board the issues surrounding the purchase of the Resort have been addressed.

1.4 Labor Senators cannot see how the Bill in its current form would have prevented the previous Board from the mistakes it made concerning the purchase.

1.5 The Bill contains some imprecise terms not defined elsewhere. No guidance was sought from the Department of Finance re drafting concerning governance matters.

1.6 Labor Senators note the ILC is committed to work with the Department of Finance and the Department of Prime Minister and Cabinet on appropriate drafting and recommend it does so.

1.7 Labor Senators do not accept the argument that the Bill is discriminatory as it adds further governance requirements to the ILC.

1.8 There is duplication in governance requirements. For example, the Bill seeks to establish an Audit and Risk Committee when under the Public Governance, Performance and Accountability Act 2013 an Audit Committee is required already.

1.9 In respect of the appointment of ILC Directors there is no mechanism in regards to the staggering of appointments. Labor Senators do have some concerns with the loss of experience and lack of continuity of Directors.

1.10 Labor Senators are also concerned with the establishment of a Nomination Committee. Labor Senators are not opposed to a Nomination Committee of eminent Indigenous persons with gender balance taken into account.

1.11 Labor Senators think it however unnecessary, time consuming and adds little value to the nominating process to bind future Parliaments and Parliamentary Committees as to what they must do.

1.12 Further evidence was given, in the course of the Inquiry, albeit disputed, that the Bill in its current form would have an adverse impact on the value of the Land Account. Labor Senators are not in a position to dispute the evidence of the Department of Finance on this matter.

1.13 Labor Senators are attracted to the proposed changes to the Bill outlined by Professor Patrick Dodson and Dr Asmi Wood.

1.14 Further the submission of the Torres Strait Regional Authority to include “the sea” in the same context as “land” has merit.

1.15 In summary, while Labor Senators cannot support the Bill in its current form, the Inquiry has revealed some helpful and appropriate suggested changes to the Bill.

1.16 Serious consideration should be given to these changes and more consultation is needed so a modified Bill can be presented back into Parliament.

Senator Carol Brown

Senator Nova Peris

Senator Claire Moore