The Senate

Legal and Constitutional Affairs Legislation Committee

Wild Rivers (Environmental Management) Bill 2010 [No.2]



MEMBERS OF THE COMMITTEE

Members

Senator Patricia Crossin, Chair, ALP, NT

Senator Guy Barnett, **Deputy Chair**, LP, TAS

Senator David Feeney, ALP, VIC

Senator Scott Ludlam, AG, WA

Senator Gavin Marshall, ALP, VIC

Senator Stephen Parry, LP, TAS

Participating Members

Senator the Hon Ron Boswell, NATS, QLD

Senator the Hon Bill Heffernan, LP, NSW

Senator the Hon Ian Macdonald, LP, QLD

Senator the Hon Jan McLucas, ALP, QLD

Senator the Hon Nigel Scullion, CLP, NT

Senator Rachel Siewert, AG, WA

Senator Russell Trood, LP, QLD

Secretariat

Ms Julie Dennett Secretary

Ms Monika Sheppard Senior Research Officer

Mr Ivan Powell Principal Research Officer

Ms Margaret Cahill Research Officer

Ms Kate Middleton Executive Assistant

Suite S1. 61 Telephone: (02) 6277 3560

Parliament House Fax: (02) 6277 5794

CANBERRA ACT 2600 Email: legcon.sen@aph.gov.au

Table of Contents

MEMBERS OF THE COMMITTEE	iii
RECOMMENDATIONS	vii
CHAPTER 1	1
Introduction and overview	1
Background	1
Wild Rivers Act 2005 (Qld)	1
Key provisions of the Bill	3
Conduct of the inquiry	4
Acknowledgement	5
Scope of the report	5
Note on references	5
CHAPTER 2	7
Key issues	7
Matters directly relevant to the Bill	7
Alleged breach of process	23
Constitutionality of the Bill	26
Committee view	26
DISSENTING REPORT BY COALITION SENATORS	29
A breach of statutory processes by the Queensland Government in 2009.	29
The scope of wild river declarations	33
Economic opportunities in wild river areas	35
Consultation processes employed by the Queensland Government	41
Native Title Act 1993 (Cth)	45
Constitutionality of the Bill	46
Coalition senators dissenting view	47

ADDITIONAL COMMENTS BY THE AUSTRALIAN GREENS	51
APPENDIX 1	55
SUBMISSIONS RECEIVED	55
TABLED DOCUMENTS	57
ADDITIONAL INFORMATION RECEIVED	57
APPENDIX 2	59
WITNESSES WHO APPEARED BEFORE THE COMMITTEE	59