



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**BILLS**

**Wild Rivers (Environmental  
Management) Bill 2011**

**In Committee**

**SPEECH**

**Thursday, 12 May 2011**

BY AUTHORITY OF THE SENATE

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## SPEECH

**Date** Thursday, 12 May 2011  
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**Questioner**  
**Speaker** Xenophon, Sen Nick

**Source** Senate  
**Proof** No  
**Responder**  
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**Senator XENOPHON** (South Australia) (11:45): The Native Title Amendment (Reform) Bill that the Greens have introduced includes a number of very positive reforms. There are a number of very good measures here. But I do not see it as being inconsistent with this piece of legislation for a number of reasons. The bill will go through a process. I am not sure whether the bill from the Australian Greens has gone off to committee at this stage or not.

**Senator SIEWERT:** It has.

**Senator XENOPHON:** It has? Thank you. I have some concerns. Firstly, both the Queensland and Commonwealth governments, along with the Australian Greens, claim that a wild river declaration is not a future act under the Native Title Act. Therefore, the Native Title Act would not apply to wild rivers. Consequently, the bill proposed by the Australian Greens would not apply to wild rivers unless there is something within the bill that explicitly makes it apply. As I understand it, there is nothing in the Native Title Amendment (Reform) Bill that would make it apply to a wild river declaration in terms of issues of consent.

Secondly, the bill that we are currently considering would require a native title agreement regardless of whether a declaration is a future act. It would also apply to Aboriginal lands. Under the bill from the Australian Greens, the references to the UN Declaration on the Rights of Indigenous People are to be inserted in the objects of the Native Title Act in section 3. That is something that could be very useful and meaningful in terms of the operation of the Native Title Act. But I cannot see how this would make it apply to wild river declarations. So I am looking forward to the bill from the Greens regarding native title reform being brought on, because it contains a number of very worthy reforms. But I cannot see how this bill and the very worthy bill from the Australian Greens would be inconsistent.