

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Question No. 1

Senator Barnett asked the following question at the hearing on 30 March 2010:

Can you confirm or otherwise whether the bills are constitutional or not?

The answer to the honourable senator's question is as follows:

The Department of Families, Housing, Community Services and Indigenous Affairs obtained advice about the Wild Rivers (Environmental Management) Bill 2010 (the Bill) from the Australian Government Solicitor. Consistent with the longstanding practice of not providing legal or constitutional advice to parliamentary committees, the Attorney-General's Department is not in a position to advise the Committee about whether the Bill is constitutionally valid.

Question No. 2

Senator Barnett asked the following question at the hearing on 30 March 2010:

I am asking you on notice to provide a copy of that [AGS] advice to us. If you do not wish to, that is your decision, but I am asking you to make that available to us

The answer to the honourable senator's question is as follows:

It is the responsibility of the minister or agency receiving legal advice to respond to questions about that advice. The agency which obtains the advice is best placed to assess surrounding considerations. As the advice from the Australian Government Solicitor about the Bill was sought by the Department of Families, Housing, Community Services and Indigenous Affairs, we have consulted with that Department about the circumstances surrounding the disclosure of this advice. The Minister for Families, Housing, Community Services and Indigenous Affairs has declined to release the advice.

Question No. 3

Senator Macdonald asked the following question at the hearing on 30 March 2010:

In its administration of the Queensland legislation, have you received complaints from anyone that native title and other rights have been infringed upon by the Queensland legislation? I mean, have you, as being in charge of the Commonwealth's native title laws, received complaints from anyone that the Queensland legislation impinges upon those rights?

The answer to the honourable senator's question is as follows:

Since November 2006 the Department has received four pieces of correspondence which raised issues regarding the impact of the *Wild Rivers Act 2005* (Qld).