SUBMISSION TO THE

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

REVIEW OF THE

ABORIGINAL LAND RIGHTS (NORTHERN TERRITORY) ACT 1976

- 12 MARCH 1999 -

1. Introduction

The purposes of the *Aboriginal Land Rights (Northern Territory) Act* 1976 (Cth) (ALRA) were to grant traditional Aboriginal land to Aboriginal people in the Northern Territory; to recognise traditional Aboriginal interests in, and relationships to land; and to provide Aboriginal people with effective control over activities on their land.

Upon the enactment of the ALRA in 1976, former Aboriginal reserves were converted to Aboriginal land and Aboriginal people could make claims to unalienated Crown land on the basis of their traditional relationship to that land. After more than twenty years, approximately forty two percent of the Northern Territory is Aboriginal land. This land is held by Aboriginal Land Trusts for the benefit of all the traditional land owners as inalienable freehold title.

The ALRA establishes Land Councils to operate as representative bodies. They are made up of elected Aboriginal people. There are currently 4 Land Councils in the Northern Territory: the Northern Land Council (NLC), the Central Land Council (CLC), the Tiwi Land Council and the Anindilyakawa Land Council. The Land Councils determine policy and assist Aboriginal people in claiming and managing their land, in protecting sacred sites and in the management of income received under the ALRA.

The ALRA was reviewed in 1980[1] and again in 1983[2]. In 1997 the Federal Minister for Aboriginal and Torres Strait Islander Affairs, Senator John Herron, announced this most recent review (the Reeves Review). As one Aboriginal person noted during consultations in connection with the Review, this is many more times than non-Aboriginal land rights have been reviewed:

Aboriginal Respondent:	Can I just ask you a few questions?
Reviewer:	Yes, I'm not really here to answer questions but to
listen	to you, but I'll try.
Aboriginal Respondent:	Yes, I know. To your knowledge, has there ever been a review of land titles held by non-indigenous community holders in Australia?
Reviewer:	I don't know what you mean[3]

[1] Mr B Rowland QC, An Examination of Aboriginal Land Rights (Northern Territory) Act 1976-1980, Department of Aboriginal Affairs 1980.
[2] Justice John Toohey, Seven Years On: Report to the Minister For Aboriginal Affairs on the *Aboriginal Land Rights (Northern Territory) Act* 1976 and Related Matters, AGPS 1984.
[3] Reeves Review, Alice Springs Hearing, 26 February 1998 at 52.

2. The Reeves Review and Report

2.1 The Process

The consultation process conducted by the Reviewer was of concern to Aboriginal people in the Northern Territory. Consultations were rushed and conducted at inappropriate times, mainly during the wet season which is a major time for ceremony.[4]

2.2 The Recommendations of the Report

The Reviewer made numerous findings and recommendations. If implemented, though, we believe a significant number of these recommendations would be detrimental to the principles of self-determination, non-discrimination and equality before the law. Of particular concern are proposals;

- that the NLC and CLC be replaced by 18 Regional Land Councils (RLCs) and that the RLCs be administered by one umbrella body, the Northern Territory Aboriginal Council (NTAC), to be made up initially of Government appointees;
- to remove the permit system which allows Aboriginal land owners to regulate access to Aboriginal land;
- to change the critical mining and exploration provisions of the ALRA;
- to empower the Northern Territory Government to acquire Aboriginal land compulsorily for public purposes; to revise the Aboriginal Benefits Reserve (ABR) (formerly the Aboriginal Benefits Trust Account in accordance with a more commercial orientation);
- to apply Northern Territory laws which protect the rights and interests of the broader community on Aboriginal land, even where these affect the rights of Aboriginal people to use their land in accordance with Aboriginal tradition; and,
- to extinguish native title on Aboriginal land and Community Living Areas.

The Review was conducted pursuant to nine terms of reference.

3. The Effectiveness of the Legislation in Achieving its Purpose

The Reviewer found that:

> The Act and associated Northern Territory legislation have been very effective in granting traditional Aboriginal land in the Northern Territory for the benefit of Aboriginal people and in recognising traditional Aboriginal interests in, and relationships with, land … [but] has been less than effective in providing Aboriginal people with effective control over activities on their traditional land.[5]

[4] Aboriginal and Torres Strait Islander Commission NT News, "ATSIC Condemns Reeves' Land Rights Act Review" December 1998.
[5] J Reeves QC, Land Rights for the Next Generation: Report of the Review of the Aboriginal Land Rights (Northern Territory) Act 1976, Darwin 1998, at 76.

The Report recommends the inclusion of a purposes clause in the ALRA to encourage the "formation of a partnership between Aboriginal people in the Northern Territory and the Government and people of the Northern Territory".[6] The Reviewer clearly considers a partnership relationship to be possible. Although he acknowledges the deep level of distrust and resentment on the part of Aboriginal people towards the Northern Territory Government, he underestimates the impact of the Government's record in resisting the land rights process and impeding the acquisition of title by Aboriginal people in the Territory.

This is illustrated in the submission to the Reeves Review of Mr I Viner QC, a Minister in the Coalition Fraser Government (1975-1983), described the attitude and conduct of the Northern Territory Government in these terms:

> The political attitudes of Northern Territory Governments over the last 20 years had been a disgrace, in their constant and unremitting opposition to land rights claims: the repetitive resort to anti-land rights propaganda and playing the "race card" at election after election; failure to honour the letter and spirit of the intention of the 1976 Act, or complimentary Aboriginal sacred site and Aboriginal heritage laws and, now, the Northern Territory Government's desire, through [its submission to] the Review and the drive for Statehood, to obtain compulsory acquisition powers over Aboriginal traditional lands, the weakening of the central position under the 1976 Act of Land Councils, the further diminishment of Aboriginal consent to mining, objection to native title and the denial of recognition within future Constitutional arrangements of Aboriginal customary law and traditional rights.[7]

The Northern Territory Government's policy of opposing land claims has turned what was meant to be a beneficial process into "legalistic battlefields"[8] and has sought to erode the title of Aboriginal landowners and the control they enjoy under that title. The Government has claimed that its representation in land claims has been consistent with its role as the Government of the Northern Territory. However, with few exceptions its representation at hearings has been confrontational and contrary to Aboriginal interests. By 1987 it had been to court (the High Court, Federal Court and Supreme Court) twenty four times to oppose land claims and had achieved a single partial win.

Another example illustrates the attitude of the NT Government to the ALRA: Section 73 of the ALRA provides for reciprocal Northern Territory legislation. In 1978, almost immediately following the passage of the ALRA, draft Northern Territory sacred sites legislation sought to diminish the rights of Aboriginal people under the ALRA. The sacred sites legislation was amended in 1989 to diminish even further the capacity of Aboriginal people to protect their sacred sites. In particular, the 1989 amendments empowered the Minister to override the Aboriginal Areas Protection Authority.

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[6] Ibid at 77.
[7] Submission of Mr R I Viner QC, unpublished.
[8] Central and Northern Land Councils, Our Land, Our Life: Aboriginal Land Rights in the Northern Territory, 1995, at 7.

4. The Role, Structure and Resource Needs of The Land Councils Following The Coming Into Effect of the Sunset Clause Relating to Land Claims

The Reviewer found that the two large Land Councils, the NLC and CLC, have been successful in developing their political role and in preparing and presenting land claims, but have been less successful in performing other aspects of their representative role under the ALRA. The Reviewer asserts that they are perceived to be "bureaucratic, remote, tardy and uninterested in local Aboriginal problems".[9] He recommends their replacement by eighteen smaller RLCs, and the establishment of the NTAC as an authority under the ALRA. The members of the NTAC would initially be appointed jointly by the Commonwealth Minister and the Chief Minister of the Northern Territory from a list of nominations of Aboriginal Territorians made by Aboriginal Territorians.

The main functions of each RLC would be to:

- undertake all the functions of the present Land Council in its region with the exceptions of completing the land claims process, sacred sites assistance, and assistance with commercial ventures, which functions would initially be undertaken by the NTAC or other bodies;
- make decisions in relation to proposals for the use of Aboriginal land in its region that do not conflict with the function above, including decisions relating to exploration and mining, tourism and specialist primary production. All agreements made by a RLC would be required to be registered with the NTAC;
- hold in trust all Aboriginal land in its region for the benefit of all Aboriginal people who are entitled by tradition to use or occupy that land; to receive and spend funds made available by the NTAC for the administration of the RLC or for public purposes approved by the NTAC;
- assist in the social and economic advancement of Aboriginals living in its region; and to coordinate and assist in the implementation of the Aboriginal social and economic advancement programme of the NTAC, the Northern Territory and Commonwealth Governments and ATSIC, in its region.[10]

The main functions of the NTAC would be to:

- maintain strategic oversight of the activities of the RLCs relating to major agreements, delegation o their functions, their financial and administrative functions and the appointment of their CEOs;
- fund the administrative costs of the RLCs;
- establish an investment trust and act as a "bank" for the RLCs;
- complete outstanding land claims;
- act as the sole native title representative body in the Northern Territory; and
- be responsible for receiving and distributing the mining royalty equivalents paid to the ABR and any other funds allocated to it.

[9] Reeves Report, op cit, at 117.
[10] Ibid at 600-602.

It is proposed that the NTAC would consist of hand-picked representatives, not people elected by and accountable to Aboriginal communities. The NTAC would come under the direct control of the Federal Minister and the Northern Territory Chief Minister.

We believe that the creation of the NTAC would frustrate self-determination and empowerment. Indeed, new Land Councils can already be accommodated within the existing system. Aboriginal people are entitled to decide for themselves who their representative bodies should be. Like the Land Councils themselves, ATSIC also supports regional committees of the Land Councils being given more autonomy over decisions concerning land in their areas. However, Indigenous people are concerned that the desire to dismantle the CLC and the NLC is for political reasons. This scepticism is not unfounded given comments in which the Deputy Prime Minister, Mr Tim Fischer described the NLC and CLC as "blood sucking bureaucracies". According to a statement released by Mr Fischer's office:

> The Northern Land Council based in Darwin and the Central Land Council based in Alice Springs have become giant, bureaucratic, bloodsucking land councils which take away from smaller communities, resources and flexible infrastructure and leadership.[11]

Although Mr Fischer later indicated regret over his choice of words he has recently been quoted as saying that the Reeves Report's recommendation that the CLC and NLC be dismembered is under consideration:

> I back John Herron's views on that as we work through the very important Reeves QC ALP [sic] report on, in effect in terms of their recommendations, "busting up" to further decentralise the land council structure of the Northern Territory.[12]

According to Central Land Council Director Bruce Tilmouth:

> The 18 new land councils the NT Government is so keen to see established would actually be controlled by a new body called the NT Aboriginal Council (NTAC) whose members would all be appointed by the NT and Federal Ministers. NTAC would also take all the money flowing from Aboriginal land, and traditional owners would no longer have to be consulted about developments on their land…the proposed new regime would amount to a government take-over of Aboriginal land and funding.[13]

The Report also recommends that the NTAC take over ATSIC funding responsibilities as well as finances of the ABR. These would be used to deliver housing, health, education and economic development. The net effect would be to deliver tighter control of Aboriginal affairs to the Northern Territory and Federal Governments. The ATSIC Board of Commissioners has expressed concern over these

[11] "Fischer Lashes Out at Aboriginal Councils" The Sydney Morning Herald, 29 September 1998, at 9
[12] "Australia's Deputy PM Slams Aboriginal Land Councils", World News, Radio National Australia, 13 January 1999.
[13] "Divide and Rule", Land Rights News, December 1998, at 5.

funding proposals, saying that they are seen by many Aboriginal people as a "blueprint" for stripping ATSIC programs away on a national level.[14]

5. Access to Aboriginal Land

Section 70 of the ALRA makes it an offence for a person to enter or remain on Aboriginal land except in the performance of a function under the Act, or otherwise in accordance with the Act. Pursuant to the Aboriginal Land Act 1978 (NT), the Land Council for the area, the traditional Aboriginal owners for the area, the Administrator of the Northern Territory and the relevant Northern Territory Minister are authorised to issue permits for access onto Aboriginal land. The Reeves Report recommends the removal of the requirement for permits to enter Aboriginal land:

> The permit system operating in the Northern Territory in relation to Aboriginal land is costly, ineffective, confusing, divisive and burdensome and, in addition, is a racially discriminatory measure. It is not widely supported by Aboriginals and it is not necessary to ensure an equal enjoyment of human rights and fundamental freedoms of Aboriginal people.[15]

In place of the permit system the Report recommends amendments to the Trespass Act (NT). This will "place Aboriginal landowners in a similar position to, and with similar rights to, other landowners in the Northern Territory … [and] will give Aboriginal landowners more control and it will be simple, less costly, more effective and easier to enforce than the present permit system".[16] According to the Reviewer:

> Reforms to access would not only pay dividends for Territorians at large, but would reduce opposition to Aboriginal land rights because they would no longer impose such heavy costs on non-Aboriginal Territorians. The costs of the ALRA have probably exceeded their benefits for other Territorians because of these unnecessary costs that have been imposed on them.

In his Second Report as Aboriginal Land Commissioner in 1974, Justice Woodward stated that:

> One of the most important proofs of genuine Aboriginal ownership of land will be the right to exclude from it those who are not welcome.[17]

In 1985 in Gerhardy v Brown, the High Court of Australia recognised the permit system as a "special measure" under the RDA and CERD.[18] Traditional Aboriginal owners of Aboriginal land, like any other landowners, have as part of their title to the land the right to admit and exclude persons from their land. This is a fundamental aspect of land ownership under the general law and is fundamental to the achievement of the aims of the ALRA. Although the current access system may require some change, the Reeves Report's proposed amendments to the ALRA would not

[14] Aboriginal and Torres Strait Islander Commission News, December 1998, at 2.
[15] Reeves Report, op cit, at 308.
[16] Ibid.
[17] Justice Woodward, Aboriginal Land Rights Commission, Second Report, Australian Government Publishing Service, Canberra 1977, para 109.
[18] (1985) 159 CLR 70.

adequately recognise Aboriginal landholders' right to exclude people from their traditional lands.

6. The Operation of the Exploration and Mining Provisions

The ALRA contains a number of provisions concerning mining on Aboriginal land.[19] These include mechanisms for protecting the rights of Aboriginal people to control mineral exploration and mining on their lands. Aboriginal land owners have the right to accept or reject applications from mining companies requesting access to Aboriginal land at the exploration stage of a project. As it stands, the right to consent or refuse consent to the grant of an exploration licence is qualified. The Governor-General can override the landowners decision in the national interest.[20] A mining company that is refused access may also reapply after 5 years.

The right to consent or refuse consent is available only in respect of exploration licence applications. Once consent is given, traditional owners cannot refuse consent to the grant of a mining lease. Where landowners agree to exploration, mining or other development they have the right to negotiate the terms and conditions. The right to consent or refuse consent must be exercised within a statutory "negotiating period" which is initially twelve months on receipt of an application but can be extended under certain prescribed circumstances. If at the end of the negotiating period the Land Council has neither consented nor refused to consent, the Land Council is deemed to consent to the grant of the licence.[21]

Under the ALRA, the Federal Government pays an amount equivalent to the statutory royalties received by it and the Northern Territory Government from mining companies operating on Aboriginal land into the ABR. These funds are distributed among local communities affected by mining, to other Aboriginal groups on a grants basis, and to the Land Councils for their operating costs.

The Reeves Report contains the following recommendations in relation to mining and exploration:

The ALRA and the Mining Act (NT) should contain provisions which allow a person to obtain a licence to enter Aboriginal land for a specific period for the purpose of reconnaissance exploration subject to various terms and conditions, including notice to be given to the RLC that such a licence has been granted; that the exploration activity is low level; that the licensee conduct activity only within a specified distance from a community living area; and that the licence holder does not enter or remain on a sacred site.

The ALRA should be amended to provide that the relevant RLC and the holder of an existing mining lease should negotiate the terms and conditions of any renewal of that mining lease. If the parties are unable to agree on the terms and conditions, the ALRA should contain provision for the appointment of a Mining Commissioner to determine the dispute. Each of the proposed RLCs should have the existing power to consent to

[19] Part IV ALRA.
[20] Section 40(b) ALRA. If this occurs, the applicant and the Land Council must try to agree upon the terms and conditions to which the grant will be subject.
[21] Section 42(7) ALRA.

(or veto) any exploration or mining proposals in respect of Aboriginal land within their region, subject only to the existing national interest provisions.

Each RLC should be empowered to negotiate legally enforceable agreements directly with any mining company, or a number of mining companies. The Northern Territory Government should be kept informed about which mining companies RLCs are negotiating with.

The Northern Territory Government should accept whatever enforceable agreements are made between a mining company and a RLC (unless it considers the agreement should fail on other grounds) and issue the required exploration licence or mining interest accordingly.

The Federal Government should continue to have the power to cause a proclamation to be issued that an exploration or mining project should proceed in the national interest.

Mining companies operating on Aboriginal land should be bound by law to pay normal royalties to the Northern Territory Government (as is the case now) and all so called negotiated royalties to the relevant RLC.

The Federal Government should continue to pay mining royalty equivalents into the ABR for the benefit of all Aboriginal Territorians. The NTAC should be able to refer any agreement entered into by a RLC, in relation to exploration or mining, which it considers is contrary to the best interests of the Aboriginal people of that region, to the Minister for review.

Arrangements for exploration and mining activities on Aboriginal land in the Northern Territory have been particularly contentious. Any proposed amendments to the ALRA in relation to exploration and mining would need to be examined closely to ensure that the rights of Aboriginal peoples to accept or reject mining on their land, to protect their cultural heritage and sacred sites, and to benefit from the use of their land are adequately protected and enhanced, rather than eroded.

7. The Compulsory Acquisition Powers over Aboriginal Land

At present only the Federal Government enjoys a power of compulsory acquisition over Aboriginal land in the Northern Territory. The ALRA expressly prevents the Northern Territory Government from compulsorily acquiring Aboriginal land.[22] The Reeves Report recommends that the ALRA be amended to incorporate an extensive compulsory acquisition scheme allowing the Northern Territory Government compulsorily to acquire an estate or interest in Aboriginal land or in claimed land other than the freehold interest, for public purposes. The nature and extent of the estate or interest would be limited to that necessary for the public purpose concerned, and certain procedures would have to be followed.

[22] Section 67 ALRA

Aboriginal organisations have voiced strenuous opposition to this recommendation. ATSIC asserts[23] that compulsory acquisition powers would undermine Aboriginal interest in land and undermine the principle that rights should not be diminished without consent except where national interests positively demand it and then only on terms of just compensation. The CLC believes that the prohibition against compulsory acquisition, resumption or forfeiture of Aboriginal land by the Northern Territory Government is central to the recognition and protection of the communal and spiritual nature of Aboriginal land ownership. The Human Rights and Equal Opportunity Commission submission to the Reeves Review stated that:

> Whenever possible, land should only be transferred away from traditional owners where there has been a full negotiation in good faith. Where this is not possible, however, and land is compulsorily acquired, the calculation of just terms compensation must be measured with regard to spiritual connection to land as well as economic loss.

Aboriginal organisations contend that the ALRA already provides access and security of tenure for private, public purpose and commercial activities by third parties on Aboriginal land. The only exception to the effective provision of leases and licences for public purposes on Aboriginal land has been where the Northern Territory Government has chosen not to work cooperatively with traditional landowners and Aboriginal organisations.

There is no justification for granting compulsory acquisition powers to the Northern Territory Government. Such powers would not provide greater public purpose access than currently exists, and would risk the unjust deprivation of Aboriginal people of ownership and control of their traditional lands. The current system is satisfactory without a compulsory acquisition power. It provides the basis to negotiate strong agreements which deliver joint management of national parks, joint business ventures, employment and royalties.

8. The Operations of the ABR including the Distribution of Payments out of the Trust Account and the Operations of the Royalty Associations and their Reporting Requirements

The ABR's major statutory functions are to receive monies deemed the equivalent of mining royalties derived from mining operations on Aboriginal land; to make payments to Land Councils to meet their administrative expenses and for distribution to incorporated Aboriginal associations, communities and groups; and to make payments as directed by the Minister in accordance with section 64 of the Act.

The ABR funds reflect these concerns: a right to compensation for traditional owners of land directly affected by mining operations; a wider entitlement to compensation for loss of land or connection rights and associated disadvantage to Aboriginal people throughout the Northern Territory; and the need to provide Land Councils and other representative bodies with financial support that is insulated from the immediate control of Government.

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[23] ATSIC submission to the Review of the *Aboriginal Land Rights (Northern Territory) Act* 1975 (Cth), January 1998, pages 39 - 43.

In the review of the ALRA undertaken by Justice John Toohey in 1984[24], the Federal Government directed that access to mining royalty equivalents was one of five principles that were fundamental in relation to land rights. No such principles applied to the Reeves Review. In general terms, the Reviewer criticised the distribution of payments out of the ABR asserting that such payments "will only increase the dependence of Aboriginal Territorians on unearned income and prevent an accumulation of those monies for the long-term benefit of Aboriginal Territorians". Such comments confuse the objective of the payments and indeed the royalties payable under the ALRA. Mining royalty equivalents must be regarded as compensation paid to Aboriginal organisations and groups in the Northern Territory. Less than 10 per cent of ABR revenue is generated from capital investments. The Northern Territory Government has suggested that it may be more appropriate for the ABR to be established as a statutory authority with a commercial orientation. However, the role of the ABR is to provide compensation for Aboriginal bodies in the Territory. Its purpose is not in the first instance to generate revenue. Risks should not be taken with funds that are used to compensate low income beneficiaries.

The Reviewer suggests that the ABR might be transformed into some sort of fund to support commercial development or community or public infrastructure. This effectively proposes that money in the way of compensation could be directed to pay for facilities which, for other Australians, are paid out of general Government outlays. The proper role of the ABR is to provide recompense for Aboriginal people in the Northern Territory. It must not be allowed to subsidise basic public services or generate commercial revenue. In relation to the ABR, the Reviewer recommends that:

- the link between the ABR's funds and the mining industry be maintained to underscore the fact that the payment of these funds is based upon unique and historical factors;
- the ALRA be amended to include a clear statement of purposes for the distribution of the funds in the ABR;
- the ABR be administered by the proposed NTAC;
- the formula for the distribution of the ABR's funds be abolished and in its place the NTAC decide on distributions within the statement of purposes set out for the ABR;
- "areas affected" monies only be paid to the proposed RLCs for the benefit of those communities which can establish an actual adverse affect from mining in net terms;
- all expenditure of ABR funds and other income from activities on Aboriginal land be applied by the NTAC or the RLCs to particular purpose such as ceremonies, scholarships, housing and health.[25]

From the perspective of indigenous people in the Northern Territory, any proposed change in the nature and structure of the ABR must not be allowed to reduce monies currently distributed to Aboriginal communities or to diminish the relative autonomy of existing financial arrangements. Returns on investments should not reduce funds from other sources or diminish government responsibility to ensure that fundamental

[24] Justice John Toohey 'Seven Years On' Report to the Minister for Aboriginal Affairs on the Aboriginal Land Rights (Northern Territory) Act 1976 and Related Waters, AGPS 1984.
[25] Reeves Report, at 368-369.

infrastructure and services are developed and maintained. As compensation payments, the use of mining royalty equivalents or any replacement revenue should be determined by the intended beneficiaries.

9. The Application of Northern Territory Laws to Aboriginal Land

The ALRA recognises that Northern Territory laws can apply to Aboriginal land under the ALRA, provided that they are capable of operating concurrently with the ALRA.[26] In his Report, John Reeves QC identified problems with the application of some Northern Territory laws on Aboriginal land and stated that any reform must recognise and protect the rights of Aboriginal people to use their land in accordance with Aboriginal tradition. However, he also recommended that these rights should not be absolute and should give way to laws that protect the rights and interests of the broader community, such as the supply of essential services, conservation of the environment, the maintenance of law and order, and the administration of justice.[27]

From the perspective of Aboriginal people in the Territory, the acceptability of such a recommendation will depend upon the scope of interference with Aboriginal traditions, cultural practices and land. If the application of the laws discriminates against Aboriginal enjoyment of traditional land, any amendments to the ALRA would violate the non-discrimination principle. Aboriginal organisations have asserted that Northern Territory law is capable of operating concurrently with the ALRA without particular problems. However, for any Northern Territory law to apply on Aboriginal land it must not interfere with the use or occupation of that land by Aboriginal people, in accordance with Aboriginal tradition. In practical terms, there have been no significant constraints on the operation of Northern Territory laws.

In response to the Northern Territory Government's submissions on land claims suggesting that there would be problems with uncontrolled bushfires, stock diseases or weed infestation, as examples, we submit that these problems have rarely arisen, and when they have, the real issue has been lack of resources to address the particular difficulty.

10. Conclusion

At the time of writing, the Reeves Report is under consideration by a Commonwealth House of Representatives Standing Committee. The Federal Government's official response to the recommendations of the Report is not yet known. The Deputy Prime Minister Mr Tim Fischer and the Minister for Aboriginal Affairs Senator John Herron have recently indicated support for the Report's recommendations that the Northern and Central Land Councils be dismantled and replaced by 18 smaller councils.[28]

Aboriginal organisations have reacted negatively to aspects of the Reeves Report and argue against implementation of many of its recommendations.[29]

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[26] Section 74 ALRA

[27] Reeves Report, op cit, at 402, 412.

[28] "Australia's Deputy PM Slams Aboriginal Land Councils", World News from Radio Australia, 13 January 1994.

[29] Aboriginal and Torres Strait Islander Commission NT News, "ATSIC Condemns Reeves' Land Rights Act Review", December 1998.