

to sacred and significant sites and the return of human remains.

The report refers to concerns expressed over proposed amendments to the Native Title Act (NTA) which would possibly breach the principles of the Racial Discrimination Act (RDA) by expanding pastoral leases and eroding the right to negotiate as set out in provisions of the RDA. The report addresses points made by critics of the amendments, including that: the pastoral lease amendments allow governments to expand pastoral lease interests and uses, while denying affected title holders the procedural protections which would apply to ordinary title holders in the same circumstances; the amendments are unnecessary to protect the existing interests of pastoralists; the government has proposed removing the right to negotiate from exploration and prospecting titles, allowing ministerial intervention prior to determining claims; the right to negotiate will be a "once only" process and the time for negotiation and arbitration will be reduced; the government mistakenly regards the right to negotiate as being a special "gift" to indigenous peoples, which it can take away as it pleases; the right to negotiate is a recognition of actual native title rights, and its preservation is essential if native title is to be accorded true equality of protection; and, erosion of the right to negotiate would remove the balance of the NTA, which protects the titles of all other Australians.

Balancing these criticisms, the report notes various kinds of protection given to the land and to sacred sites, including sacred objects, and therefore to their religious dimension. These protections take the form either of regional agreements and legislation ensuring the protection and management of Aboriginal lands, or Commonwealth and State and Territory laws on property and the cultural heritage. The SR stated that these forms of protection are the expression of an official policy in favour of Aboriginals, based on well-developed legislation, but that a number of difficulties remain. The problems arise in part from the complexity of the relations between federal laws, which are few and protective, and state and territory laws, which are many, uneven in the degree of protection they afford and sometimes inadequate in relation to Commonwealth standards. Problems have also been encountered as a result of the inability of these laws, derived from a Western legal system, to take account of Aboriginal values, such as the requirement in some cases that Aboriginals have to prove the religious significance of sites and their importance. On this latter point, the report notes that such proof may be difficult because of different approaches by different Aboriginal groups, the fact that knowledge of the sites is restricted to a few gender-specific individuals, and partly because it conflicts with some Aboriginal values and customs including the importance given to secrecy.

Brief commentary is also included in the report on the issues of Aboriginal cultural property and the return of objects of religious significance, including sacred objects, non-sacred but valuable objects, and human remains.

In terms of the general conditions affecting indigenous peoples, the report states that despite the official policy of conciliation towards Aboriginals, the latter still appear to occupy a marginal place in economic and social areas — including in employment — as shown by the frequent occurrences of alcoholism, domestic violence and unemployment in those communities.

The report concludes with a number of observations and several recommendations. The observations note, *inter alia*: the generally satisfactory situation in Australia with regard to tolerance and non-discrimination based on religion; the country's attachment to democracy and its sound democratic institutions; the government's multicultural policy fostering a culture of tolerance and aimed at the integration rather than the assimilation of all components of society; an approach to secularity that does not favour the rejection of religions and new religious movements (or sects), but rather equality for all under the prevailing law; the role of established, politically driven institutions, which try to respond to the needs of society, including those of its minorities, and provide ways of alleviating all tensions, for example the judicial system and national institutions such as the HREOC and the Ethnic Affairs Commission; the harmonization of specific interests and the general interest and especially the non-interference between citizenship and minority identities; incidents of racism, mostly expressed by one sector of the population, that can affect whole communities — Asian, Muslim and Jewish; the fact that the intolerance which is manifested is not religious but racial, founded on ignorance and encouraged by extremist political speeches; and the fact that such manifestations of racism towards minorities as well as Aboriginals are a minor phenomenon which is rejected by a majority of the population.

The report recommends that:

- ♦ the government develop a national education policy, coordinated at the federal, state and territory levels to promote tolerance and non-discrimination;
- ♦ an educational campaign be conducted for the benefit of the media, which often present caricatures or biased images that are harmful to minorities and to religion;
- ♦ encouragement be given to the establishment of awards for journalists who have written articles on minorities in line with the principles of tolerance and non-discrimination;
- ♦ in television programming, characters be introduced representing different beliefs as part of a message of tolerance, respect and mutual enrichment;
- ♦ the official policy of reconciliation, related to Aboriginals, be pursued and further strengthened in the area of religion, and that recognition of Aboriginal beliefs as religious beliefs be reaffirmed and reflected in demographic and statistical data;