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Canada ignites native title row

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A CANADIAN Supreme Court decision giving mineral rights to indigenous people did not mean Aborigines could claim similar rights in Australia, the Special Minister for State, Senator Minchin, said yesterday.

The court's ruling was followed by an apology to native Indians by the Canadian Government, which provoked criticism of the Australian Government yesterday.

The Acting Prime Minister, Mr Fischer, denied any comparison between Canada and the Howard Government's refusal to apologise to Aboriginal people forcibly removed from their parents in the 1960s.

But indigenous social justice commissioner Mr Mick Dodson said Canada had adopted an inclusive and healing approach while the Howard and Fischer approach lacked leadership.

"Again, Mr Fischer, on behalf of the Government, raises excuses and not reasons," Mr Dodson said.

The Federal Opposition Leader, Mr Beazley, said Canada's apology had given the Howard Government another opportunity to rethink its stance. The acting Australian Democrats leader, Senator Natasha Stott Despoja, said Australia was showing itself to be out of step with other nations.

The Canadian Supreme Court's decision ~ released on December 11 ~ found native Indians could claim mineral rights and that compensation would ordinarily be required when native title is infringed.

Yesterday, Senator Minchin admitted the Canadian court decision could be reviewed by Australia's High Court given it was "currently true that Anglo-American courts would have some regard to decisions made by other courts".

He said the Government's initial assessment was the Canadian Supreme Court decision ~ which was partially based on the Mabo case ~ would have no ramifications for Australia.

``The most significant aspect of the Canadian decision was the view that Aboriginal title embraced mineral rights," he said. ``Australian minerals are generally owned by the Crown," he said. ``The Mabo decision means that where the Crown has asserted ownership of land then native title is extinguished.

``Our clear understanding is any such claim would fail."

Mr Minchin said that in NSW, title to some areas had included mineral rights. But he said that the Government's act in granting title effectively extinguished native title.

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