

Heat on PM over Canada's apology

Hobart Mercury - 9th January 1998

Author: MICHAEL MCKINNON

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

The court's ruling was followed by Canada's overnight apology to its native Indians, with particular regret for the "tragedy" of past decades of abuse at federally funded boarding schools. It provoked criticism of the Australian Government yesterday.

Acting Prime Minister Tim Fischer yesterday denied any comparison between Canada and the Howard Government's refusal to apologise to Aborigines forcibly removed from their parents in the 1960s. Indigenous social justice commissioner Mick Dodson said Canada has 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.

Federal Opposition Leader Kim Beazley said yesterday Canada's apology had given the Howard Government another opportunity to rethink its stance on the issue while acting Australian Democrats leader 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 was infringed.

Yesterday Senator Minchin admitted the Canadian 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. 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."

Senator Minchin said that in NSW title to some areas had included mineral rights but the Government's act in granting title effectively extinguished native title.