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Noongar people still determined after native title setback

The Federal Court has sent the Single Noongar Native Title Claim back to the Federal Court for a second hearing. However the Court has not set aside the native title claim.

The Single Noongar Claim, which covers the south west of Western Australia and includes the Perth metropolitan region, was appealed by the State and Commonwealth Governments in April 2007.

Mr Glen Kelly, Chief Executive Officer of the South West Aboriginal Land and Sea Council (SWALSC), said "The court did not overturn the findings in regards to the evidence provided by the Noongar people or that there was a Noongar Society. The Court's ruling suggests that some of the legal conclusions that Justice Wilcox made in the original case were not consistent with native title law".

Mr Kelly added, "Today's decision is disappointing in that we are back at square one. However as the court didn't turn aside the original judgment, we are still positive.

"SWALSC and the Noongar people are now looking forward in regards to this matter and want to continue to work constructively with the Court and the State and Commonwealth Governments. Native title is one of the few things that will assist the Noongar community to address the challenges that face us" Mr Kelly added.

SWALSC lodged the Single Noongar Claim in 2003 as a societal claim, based on the Noongar Community. The Federal Court ruled in September 2006 that the Noongar people had demonstrated that they had maintained a connection to their country and continued to uphold the laws and customs of their people. The Court also found that the Noongar people held native title in the metropolitan area where it hadn't been extinguished.

Mr Ted Hart, Chairperson of SWALSC, said, "It is disappointing to go back to square one. The original ruling was a very proud day for the Noongar people. The Noongar community has been fighting for recognition of their native title for more than a decade now."

"The Single Noongar Claim already excludes all freehold land and virtually all leasehold land as well. This will mean that the vast majority of Perth would not be affected. There are so many misconceptions about native title; native title does not remove any rights or land already owned by the community", Mr Hart added.

Mr Kelly said, "We are looking forward to working with the State and Commonwealth to see if we can resolve this matter as quickly as possible".