

*riginal Community v Victoria* [2002] HCA 58 (12 December 2002) - Comment' is by Dr Lisa Strelein, Research Fellow and Manager of the Native Title Research Unit. Strelein explains how the High Court, in relying on the act of state doctrine, has attempted to disavow any continuing authority within Indigenous societies capable of recognition by the courts once native title has come into existence. Strelein argues that the High Court's decision in *Yorta Yorta* confirms that the legal outcomes of native title are becoming more and more elusive.

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### **Seminar Series Reminder**

Just a reminder that the AIATSIS Seminar Series for first semester, "Intellectual Property and Indigenous Knowledge: Access and Ownership of Indigenous Cultural Material" has started. A collection of the papers will be placed on the AIATSIS website in the following weeks. The Seminar Series program is available on the AIATSIS website. <<http://www.aiatsis.gov.au/rsrch/seminars.htm>>. To join the Seminar Series contact list contact <[nigel.bennet@aiatsis.gov.au](mailto:nigel.bennet@aiatsis.gov.au)>.

## **FEATURES**

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### **Noongars Unite for Single Native Title Claim**

by Stuart Bradfield, NTRU

After a series of meetings organised by the South West Aboriginal Land and Sea Council (SWALSC) and facilitated by the NNTT, Aboriginal people in the region have agreed to join together to pursue a single native title claim.

Support for a single Noongar claim came after well-attended community meetings in Perth, Busselton, Quairading, Katanning, Port Kennedy and Mogumber held throughout February. The six existing individual native title claims will now be re-

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### **Staff Movements**

In the last two months there have been a few staff changes at the NTRU. Jessica Weir, Native Title Research Officer, has left us to begin a PhD at the ANU in land management issues. Sarah Arkley, Administration Officer, has also left NTRU to begin full time studies in the Law Faculty at the ANU.

We have been joined by Glen Fairfoot as the NTRU Administration Officer. Glen was previously employed at the NNTT in Cairns for nineteen months.

Wayne Deans is working as the Conference Co-ordinator. Wayne is also currently undertaking his PhD in Anthropology at the ANU.

Serica Mackay is working as a part-time Research Assistant on the Treaty publication. Serica is in her fifth year of an arts/law degree at ANU and is interested in doing further research in the area of Indigenous intellectual property.

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placed by a single Noongar claim covering the entire region.

The move to a single claim indicates a desire amongst Indigenous leaders to limit the damaging effects of native title claims which are a major cause of conflict within and between communities. By contrast, this historic pursuit of a single claim may have important implications for increasing Indigenous regional autonomy. SWALSC chief executive Darryl Pearce suggested, "From the community perspective it is a very powerful situation. The Noongar community, for the first time, are coming together as a community and negotiating as one - they are identifying as a Noongar nation."

Mr Pearce said the aim of the single Noongar claim was to provide the State Govern-

ment with an opportunity to mediate native title and non-native title issues with one claimant group. Mr Pearce said it was now time for the State Government to realise that a single claim existed.

He explained, "What Noongars are saying is that they don't want their claims run individually, but as a single claim. This provides opportunities for Indigenous and non-Indigenous parties to benefit from a process that delivers many economies of scale."

"It seems the Government is ignoring the express wishes of native title claimants in the south west – wishes that were legally authorised through a series of properly constituted community meetings."

Despite the State Government's 'Statement of Commitment to a new and Just Relationship', Mr Pearce questioned the stated preference for negotiating with native title claimants, rather than proceeding to litigation. He said while the Government "constantly talks about wanting to negotiate with native title claimants...in private the Office of Native Title is doing the exact opposite. Since May last year the Office of Native Title has walked away from every opportunity for mediation. Noongar claimants are willing to sit down and talk as a single group. We desperately need a sign from the Government that they are also willing to do so."

However, the State Government recently withdrew its offer to mediate on the south west claims before the Federal Court. While the Western Australia Government suggested the Combined Metro claim be run separately to the rest of the single claim, this effectively ignored SWALSC's own consultation processes. While the Government insisted on a deadline of a matter of days, consultations to endorse a single claim policy had taken weeks of meetings. These followed months of preparation after an agreement in principle was reached more than a year prior to this. It is unfortunate that the State Government effectively pressured SWALSC to act independently of native title claimant's instructions, something Mr Pearce said SWALSC could not do. This highlights the pressure placed on Indigenous

processes when they are expected to fall into line with externally produced timeframes.

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## **Native Title Research and Access**

by Grace Koch, NTRU

Each year many individual researchers and Native Title Representative Bodies contact AIATSIS in order to locate relevant library and archival material in preparing native title claims. Requests may be made by Institute visitors and remote clients. The Native Title Research and Access Officer (NTRAO) offers a range of services to help clients find what they need at the Institute.

### **Clients beginning their research**

At the beginning, it is necessary to get all of the facts together about the claim, such as the geographical spread of the claim, names of claimants and related family groups, language groups, and any historical detail about removals, missions, reserves and/or other relevant information. These will give the search terms necessary when looking up information on the Institute's on-line catalogue.

Clients will find listings of most of the Institute's materials on the MURA catalogue which is accessible both on the Internet and on computer terminals in-house. Alternatively, a list of search terms can be sent to the NTRAO, who can prepare a listing of all relevant material. The service is free of charge for up to 200 citations. Some material from the Audiovisual Archive is not yet listed on the Web catalogue; however the NTRAO has access to all listings and can make a comprehensive search. The completed searches can be posted or sent via email.

Some of the material may be restricted by the depositor for a variety of reasons, such as cultural sensitivity or pending publication, and such restrictions, where they exist, are shown for each catalogue entry. Although it is the client's responsibility to contact depositors and to arrange permissions to view, listen to or copy any restricted material, the