AIATSIS
AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES

WHAT'S NEW IN NATIVE TITLE

February 2017

1. Case Summaries

Doyle on behalf of the Iman People #2 v State of Queensland (No 2) [2017] FCAFC 31

24 February 2017, Costs Application, Full Court of the Federal Court of Australia, Queensland, North, Barker and White JJ.

In this matter, North, Barker and White JJ considered whether the appellant, the Inman people native title claim group, should pay the costs of the first respondent, the State of Queensland in relation to the appeal brought on their behalf in *Doyle on behalf the Iman People #2 v State of Queensland* [2016] FCA 13.

On appeal, it was unsuccessfully argued on behalf of the claim group that s 8 of the *Native Title (Queensland) Act 1993* (Qld) was invalid insofar as it purported to validate, with retrospective effect, the past extinguishment of native title over certain parcels of land in Queensland. The appellants sought to rely on the *Metwally* principle[1] to argue that the extinguishing acts were invalidated by s 109 of the Constitution by virtue of their inconsistency with s 10 of the *Racial Discrimination Act 1975* (Cth), and it was not open to the State of Queensland to retrospectively validate those acts. North, Barker and White JJ dismissed the appeal, stating that the *Metwally* principle did not preclude the Queensland

[1] *University of Wollongong v Metwally* (1984) 158 CLR 447.

Parliament from enacting a law attaching legal significance to events in the past which had been invalid or ineffective at the time they occurred.

The State submitted that an order for costs should be made in its favour on the grounds that the appellant's argument on appeal had been plainly untenable and by instituting and carrying on the appeal, the appellant had acted unreasonably and caused the State to incur unnecessary expense.

Their Honours determined that although in retrospect the case was not likely to be successful; they were not convinced that the appellant's argument was so untenable that it was unreasonable for the appellant to pursue it. Their Honours noted that they were 'conscious of the need to avoid the wisdom of hindsight when considering whether arguments on appeal which were unsuccessful should be regarded as untenable' at [10]. The Court rejected the State's submission that a passage in *Gomeroi People v AttorneyGeneral of New South Wales (No 2)* [2016] FCAFC 116 indicated that on an appeal, s 85A(1) of the *Native Title Act 1993* (Cth) should be displaced and the ordinary rule that costs should follow the event should apply. The Court considered it appropriate that there be no order as to costs.

Sullivan on behalf of the Yulluna People #4 v State of Queensland [2017] FCA 122

20 February 2017, Consent Determination, Federal Court of Australia, Queensland, Dowsett J.

In this matter, Dowsett J recognised the native title rights and interests of the Yulluna people in relation to an area of unallocated state land omitted erroneously from the determination made in *Sullivan on behalf of the Yulluna People #3 v State of Queensland* [2014] FCA 659 over approximately 10,027 square kilometres of land near Duchess in north western Queensland. The State of Queensland was the only respondent to the claim.

The matter related to a discrete area of unallocated state land (USL) described as Lot 103 on USL 703. The original application submitted in *Yulluna People #3*, failed to include reference in the written boundary description to that specific lot. Lot 103 was the subject of an interlocutory application filed on behalf of the claim group in March 2014. The application sought leave to amend the earlier determination to include Lot 103 on the basis that the original application contained a defect or error by excluding reference in the written boundary description to that specific lot. The Court refused the application, and the Yulluna #4 claim was lodged as a result. Both the applicant and the State agreed to progress the claim to a consent determination as soon as possible, in terms consistent with the *Yulluna People #3* determination. Both the applicant and the state relied upon connection material that was filed in relation to the Yulluna #3 claim.

Dowsett J was satisfied on the evidence that a genuine error was made with respect to the external boundary description in the earlier determination. His Honour recognised the Yulluna people's non-exclusive native title rights and interests in relation to the claim area.

The Yulluna Aboriginal Corporation RNTBC is to be the prescribed body corporate for the area.

Narrier v State of Western Australia (No 2) [2017] FCA 104

15 February 2017, Extinguishment Hearing, Federal Court of Australia, Western Australia, Mortimer J

In this matter, Mortimer J considered whether or not prior extinguishment in relation to the Yakabindie Homestead block was to be disregarded under s 47B of the *Native Title Act 1993* (Cth) (NTA). Mortimer J had ordered further submissions in light of her Honour's findings on occupation at [1280]-[1285] in *Narrier v State of Western Australia* [2016] FCA 1519. The respondents in this matter were the State of Western Australia, Central Desert Native Title Services, TEC Desert Pty Ltd, and TEC Desert No. 2 Pty Ltd.

Two members of the Tjiwarl group had houses on the Yakabindie Homestead block. Only one of the houses is still occupied, but both were occupied at the time the Tjiwarl claims were filed. A large portion of the block between these houses is not occupied by members of the claim group.

Mortimer J considered whether or not occupation of two sections of the larger block can have the effect of engaging s 47B(2) of the NTA with respect to the entire block or parts thereof, at [10]. Her Honour considered the comments of Merkel J in *Rubibi Community v Western Australia (No 7)* [2006] FCA 459 at [98], stating that s 47A of the NTA requires the occupancy of the whole area, not merely part of the area.

The applicant submitted that the comments in *Rubibi* cannot be extended to the application of s 47B because nothing in the text of this section requires that 'the area' correspond to the cadastral boundaries of a particular prior interest.

Her Honour accepted the State's submission, that s 47B cannot be engaged in relation to the lot. Her Honour took into account the broader subject matter of Part 2 of the NTA together with the beneficial purpose of s 47B. Her Honour found that while in theory there is no issue with claiming an area of land under s 47B that does not correspond to cadastral boundaries; the applicants had not established the boundaries that would apply. Mortimer J stated that the determining factor is how an applicant chooses to identify the 'area' for the purposes of a claim under s 47B. With reference to the current application, the applicants had claimed the entire Yakabindie Homestead block, over which 'occupation' had not been broadly established within the meaning in *Moses v Western Australia* [2007] FCAFC 78, at [216].

Mortimer J did not consider it necessary to make orders in relation to this matter.

Pappin on behalf of the Muthi Muthi People v Attorney-General of New South Wales [2017] FCA 76

9 February 2017, Judicial Review of NNTT Decision, Federal Court of Australia, New South Wales, Griffiths J

In this matter, Griffiths J considered an application for review of a November 2015 decision by the National Native Title Tribunal (NNTT), under s 190F of the *Native Title Act 1993* (Cth) (NTA). The delegate of the Registrar had decided that a claim lodged by the Muthi Muthi People over approximately 34000 square kilometres of land and waters along the Victoria-New South Wales border did not meet the criteria for registration outlined in s 190A of the NTA. Leave was granted to the applicant to amend the claim so as not to overlap with the claim of the Barkandji People (NSD 6084/1998), but no amendment was filed prior to the hearing. The respondents in the matter were the Attorney-General of New South Wales, the Registrar of the NNTT, and NTSCORP.

In the decision of the NNTT, the delegate found that the application did not sufficiently contain the information required by s 62(2) of the NTA, and did not satisfy the requirements of ss 190B(2) and 190C(2). They found that there was insufficient evidence to determine if the applicant was part of a native title claim group authorised to make the application under s 190C(4) of the NTA. The delegate considered that the application contained clear discrepancies between the written and mapped claim area boundaries, conflicting evidence regarding the authority of the headperson of the Council of Elders, overlap with three native title determination applications, little evidence linking back to sovereignty, and vague definitions of the identity of the Muthi Muthi people.

Griffiths J took into account fresh evidence in reviewing the NNTT decision including an expert report and an indication that the applicant was happy to exclude areas covered by other claims.

Griffiths J found that the delegate's reliance on *Moran v Minister for Land & Water Conservation for New South Wales* [1999] FCA 1637 was correct and therefore if authorisation depends on the decision of a body such as an elders council, registration requires evidence that this body exists under customary law, evidence of the nature of its authority and evidence that the body has authorised the application.

Griffiths J found that each of the delegate's conclusions were available on the evidence due to the deficiencies in it.

His Honour refused to make orders proposed by the applicant that the Court accept the application for registration, or alternatively that the Court allow the application to proceed without registration. His Honour determined that no reviewable error had been established and ordered that the application for review be dismissed.

Tarlka Matuwa Piarku (Aboriginal Corporation) RNTBC v State of Western Australia [2017] FCA 40

2 February 2017, Variation Application, Federal Court of Australia, Western Australia, Barker J

In this matter, Barker J heard an application for variation of an approved determination of native title under s 13 of the *Native Title Act 1993* (Cth) (NTA). The application relates to the consent determination made by McKerracher J in *WF (Deceased) on behalf of the Wiluna People v State of Western Australia* [2013] FCA 755 (*Wiluna People*).

The consent determination contemplated that a variation of the determination could be sought pending the outcome of *Western Australia v Brown* [2014] HCA 8. The High Court in *Brown* held that the Full Federal Court had erred in deciding in *De Rose v State of South Australia (No 2)* [2005] FCAFC 110 that improvements made on land by pastoral lease holders had the effect of extinguishing native title rights and interests.

The applicant subsequently filed an application seeking revision of the determination under s 13(1) of the Act. The applicant contended that the High Court's decision in *Brown* had caused the determination to no longer be correct, satisfying the ground for variation contained in s 13(5) of the NTA. The applicant submitted that native title had been held not to exist in the relation to the areas of the *Wiluna People* determination subject to improvements by pastoral leaseholders based on the overturned precedent in *De Rose (No 2),* and the interests of justice required that the determination be varied in the terms of the original consent order.

The applicant filed the varied determination agreement with the Court signed by all parties and supported by a joint submission with the State of Western Australia. Barker J accepted the terms of variation and did not review the grounds for the determination. His Honour held that the varied determination only replaced the original determination so to include the areas of pastoral improvements upon which native title now exists, at [16].

This matter is the first known circumstance of a successful application for variation of an approved native title determination under the NTA. Failed applications for variation of an approved determination under the NTA include *Wintawari Guruma Aboriginal Corporation RNTBC v State of Western Australia* [2015] FCA 1053, and *In Re Yoren* [2004] FCA 916.

McGlade v Native Title Registrar [2017] FCAFC 10

2 February 2017, Review of ILUA Validity, Full Court of the Federal Court of Australia, Western Australia, North, Barker and Mortimer JJ

In this matter, North, Barker and Mortimer JJ considered whether the registration requirements had been met for Indigenous Land Use Agreements (ILUAs) filed as part of the South West Native Title Settlement (SWNTS). The settlement is made up of six ILUAs that relate to land and waters in south west Western Australia claimed by the Yued, Whadjuk, South West Boojarah #2, Gnaarla Karla Booja, Ballardong and Wagyi Kaip claim groups. The ILUAs together were to provide for full and final settlement of all current and

future claims made by the Noongar people under the *Native Title Act 1993* (Cth) (NTA). The ILUAs provided for a settlement package valued at approximately $1.3 billion in return for precluding the native title parties from seeking future determinations of native title and validating past acts of the state.

The applicants Mingli Wanjurri McGlade, Mervyn Eades, Naomi Smith, and Margaret Culbong brought four claims which were heard together relating to the validity of four SWNTS area agreement ILUAs. The respondents were the Native Title Registrar, the State of Western Australia, the South West Aboriginal Land and Sea Council, and representatives of the Noongar people who had signed and agreed each contested ILUA. The parties to the ILUAs were the State of Western Australia, a large number of state entities, and the South West Aboriginal Land and Sea Council.

The applicants in this matter are individuals who are part of the named applicant authorised to act on behalf of the claim group for each agreement. Each of the applicants in this matter refused to sign the ILUA relating to their respective native title claim group. One of the applicants for the Whadjuk claim group died before the Whadjuk ILUA was registered, yet remained listed as a registered claimant. Another named applicant for the Whadjuk claim group only signed one of the contested agreements after the application to register the ILUA was made.

At the authorisation meetings where resolutions were passed in favour of entering into the ILUAs, resolutions were also passed stating that it was not necessary that every named applicant comprising the registered native title claimant sign the ILUAs. The four applicants of this proceeding did not vote for the ILUAs at these meetings.

SWALSC had authorised the registration of the ILUAs with the NNTT, under s 251A of the NTA.

The review proceedings originally commenced in the High Court but were remitted to the Full Federal Court in February 2016.

Submissions

The applicants contended that because 'all persons in the native title group' were not party to the four ILUAs, these agreements were not ILUAs within the proper construction of s 24CD of the *Native Title Act 1993* (Cth) (NTA), at [32]. The applicants contended that therefore the ILUAs could not be registered with the Native Title Registrar (NTR) under s 24CG of the NTA. The applicants sought declaratory relief and a prohibition against the NTR preventing the registration of the ILUAs, at [280].

The State contended that the NTA requires that the 'registered native title claimant' is made up of the named applicants but should be construed as a single party that is subject to the control of the broader claim group, at [334].

SWALSC contended that the construction of s 251A of the NTA rendered it unnecessary for each named applicant to sign the ILUAs because SWALSC had deemed that the ILUAs complied with ss 24CA and 24CD of the NTA.

Joint Judgment

North and Barker JJ held that the text of Subdivision C of Part 2, Division 3 of the NTA require that each applicant or registered native title claimant sign an ILUA in order for it to be effective at [262-264]. It follows, their Honours stated, that 'the Court respectfully declines to follow *Bygrave*'[2] at [267]. Their Honours declared that as such, the four ILUAs in question are not ILUAs within the meaning of s 24CA of the NTA and the Native Title Registrar has no jurisdiction under Division 3 of Part 2 of the NTA to register them. Their Honours came to this decision by interpreting the terms 'applicant' and 'registered native title claimant' in a way that they considered was consistent throughout the NTA and with the purposes and construction of the NTA, at [244]. Their Honours found that nothing in the wording of the NTA indicates that an ILUA can take effect without the signatures of all named applicants.

North and Barker JJ held at [245] that if a named applicant refuses to sign an ILUA they must be removed under the provisions in s 66B of the NTA.

Their Honours also determined that the court may have discretion to remove deceased applicants under s 66B of the NTA in order to register an ILUA with the National Native Title Tribunal, but this discretion should not be exercised considering that the claim group may wish to alter the composition of the registered claimant following the death of an existing claimant, at [269].

Their Honours held at [271] that an ILUA is still effective if a named applicant signs the agreement after it has been lodged for registration with the NNTT, but before registration has been completed.

Mortimer J

Mortimer J accepted that although the 'applicant' should be defined under s 61 of the NTA as a singular entity, it is comprised jointly of multiple people, requiring it to act unanimously as a body, at [227].

Mortimer J found that 'all persons' who must be parties to the ILUA in s 24CD(1) of the NTA are those comprising the 'native title group' which as an entity is referred to as the 'native title claimant'. To require unanimous action is in line with the requirements of the general law characterising an ILUA as a contract.

Her Honour considered that although the effect of her construal of NTA provisions is in line with the majority, the provisions should not be interpreted as giving named applicants veto powers. Mortimer J considers at [494] that proper construction of the NTA will allow named applicants to draw attention to disparate opinions in their representative role, and if these opinions are not supported they may be removed under s 66B of the NTA.

Effect of the decision

This decision overruled the precedent of the Federal Court in *QGC Pty Ltd v Bygrave and Others (No 2) [2010] FCA 1019* (*Bygrave*) in which Reeves J determined that the

[2] *QGC Pty Ltd v Bygrave and Others* (No 2) [2010] FCA 1019.

requirements in s 24CD of the NTA are satisfied where at least one of the registered native title claimant becomes a party to an ILUA by signing the agreement. The NNTT has registered many ILUAs on the basis of the reasoning in *Bygrave* but this Full Federal Court review of the decision may assist those wishing to contest the validity of such ILUAs.

North and Barker JJ noted at [265] that this outcome is inconvenient because the textual requirements of the NTA may now give effective veto power to one or more people who jointly make up a registered native title claimant. North and Barker JJ further noted that Parliament, rather than the court should consider whether there should be a mechanism other than s 66B for dealing with applicants who refuse to sign ILUAs despite the willingness of the claim group to enter these agreements , at [265].

Orders

North and Barker JJ declared that the Wagyl Kaip and Southern Noongar ILUA, the Ballardong People ILUA, the Whadjuk People ILUA, and the South West Boojarah #2 ILUA are not ILUAs within the meaning of s 24CA of the NTA and therefore the Native Title Registrar had no jurisdiction under Division 3 of Part 2 of the NTA to register these ILUAs.

The Full Court ordered that the applicants are entitled to declaratory relief in each decision. The Full Court ordered that if the parties fail to agree as to the costs order within 14 days, the question of costs should be determined following further submissions.

2.Legislation

Commonwealth

Native Title Amendment (Indigenous Land Use Agreements) Bill 2017

Status: The Bill was received in the Senate and read for the second time on 16 February 2017. The Senate referred an inquiry into the Bill to the Senate Legal and Constitutional Affairs Legislation Committee on that date.

Stated purpose: The Bill is to amend the *Native Title Act 1993* (Cth) to resolve the uncertainty arising from the full court decision in *McGlade v Native Title Registrar* [2017] FCAFC 10, regarding the authorisation and registration of Indigenous Land Use Agreements (ILUAs).

Native Title implications: The Bill aims to amend ss 24CD, 24CG, 251A, 251B and 253 of the NTA. An implication of these amendments is that existing ILUAs registered with the Native Title Registrar will remain enforceable without the signature of all members of the registered native title claimant.

The amendment will act to enable the registration of ILUAs which have been made but are not yet registered in the Register of Indigenous Land Use Agreements.

The amendment will in effect, reinstate the precedent on ILUA registration in *OGC Pty Ltd v Bygrave (No 2)* [2010] FCA 1019, which did not require all members of the applicant to sign an ILUA for an ILUA to be registrable.

The amendments to ss 24CD and the insertion of 251A(2) have the effect that the native title claim group can nominate for one or more of the persons who comprise the applicant to be party to an agreement, rather than all members of that group. In the absence of such a nomination, the signing of the agreement by a majority of the applicant is sufficient to authorise an ILUA. The amendment to s 251A(1)(b) will give native title claim groups the power to specify the decision-making process by which ILUAs are to be authorised.

The amendments would validate ILUAs which would have been invalidated by the *McGlade* decision. For otherwise invalid agreements made, registered, or subject to an application for registration on or before 2 February 2017, they are taken to have been valid ILUAs.

The amendment provides that if its operation results in the acquisition of property other than upon just terms, then the Commonwealth is to pay a reasonable amount of compensation to the person deprived of property. This compensation is to come from the Consolidated Revenue Fund.

3.Native Title Determinations

In February 2017, the NNTT website listed one native title determination.

Short Name (NNTT)	Case Name	Date (NNTT)	State	Outcome	Legal Process	Type	RNTBC/ PBC
Yulluna People #4	Sullivan on behalf of the Yulluna People #4 v State of Queensland	20/02/2017	WA	Native title exists in parts of the determination area	Consent	Claimant	Yulluna Aboriginal Corporation RNTBC

4.Registered Native Title Bodies Corporate & Prescribed Bodies Corporate

The Native Title Research Unit within AIATSIS maintains a RNTBC summary document which provides details about RNTBCs and PBCs in each state/territory including the RNTBC name, RNTBC type (agent or trustee) and relevant native title determination information. The statistics for RNTBCs as of 28 February 2017 can be found in the table below.

Information on RNTBCs and PBCs including training and support, news and events, research and publications and external links can be found at nativetitle.org.au. For a detailed summary of individual RNTBCs and PBCs see PBC Profiles.

Additional information about RNTBCs and PBCs can be accessed through hyperlinks to corporation information on the Office of the Registrar of Indigenous Corporations (ORIC) website; case law on the Austlii website; and native title determination information on the NNTT and ATNS websites.

State/Territory	RNTBCs	No. of successful (& conditional) claimant determinations for which RNTBC to be advised
Australian Capital Territory	0	0
New South Wales	6	0
Northern Territory	22	2
Queensland	80	2
South Australia	15	1
Tasmania	0	0
Victoria	4	0
Western Australia	39	2
NATIONAL TOTAL	**166**	**7**

Note some RNTBCs relate to more than one native title determination and some determinations result in more than one RNTBC. Where a RNTBC operates for more than one determination it is only counted once, as it is one organisation.

Source: http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx and Registered Determinations of Native Title and RNTBCs as at 28 February 2017.

5.Indigenous Land Use Agreements

In February 2017, one ILUA was registered with the National Native Title Tribunal.

Registration date	Name	Tribunal file no.	Type	State or Territory	Subject matter
10/02/2017	Gkuthaarn and Kukatj People Commercial Fishers ILUA	QI2016/023	Area Agreement	QLD	Fishing, Access

For more information about ILUAs, see the NNTT website and the ATNS Database.

6. Future Acts Determinations

In February 2017, five Future Acts Determinations were handed down.

Date	Parties	Tribunal file no.	State or Territory	Determination	Reasons for the Determination
21/2/2017	IS (name withheld for cultural reasons) & Others on behalf of Wajarri Yamatji and Western Australia and Lithium Australia NL	WO2016/0470	WA	Objection – Dismissed	Member Shurven did not receive any contentions from the Wutha claim group as to why the objection to the expedited procedure application should not be dismissed, nor was a request for extension of time made in order to comply with directions. Ms Shurven considered the group had been given sufficient opportunity to comply with directions set by the Tribunal, and it would be unfair to prejudice the other parties with further delays.
17/02/2017	LW (name withheld for cultural reasons) & Others on behalf of Njamal and Cadre Resources Pty Ltd and Western Australia	WO2015/0805	WA	Objection – Expedited Procedure Applies	Member Shurven found that the expedited procedure applies in relation to the grant of an exploration license to Cadre Resources Pty Ltd which overlaps completely with the Njamal native title claim. Member Shruven found that the grant of the license is not likely to interfere with areas or sites of particular significance, create major disturbance to the land or waters or create interference with Njamal's community or social activities.

Date	Parties	Tribunal file no.	State or Territory	Determination	Reasons for the Determination
16/02/2017	Connie Jugarie and Others (Ngarrawanji) and Barbara Sturt and Others (Jaru) and Scotty Birrell and Others (Koongie - Elvire) and Western Australia and Anglo Australian Resources NL	WO2015/0975, WO2015/0976, WO2016/0034	WA	Objection – Expedited Procedure Applies	Member Shurven found that the expedited procedure applies in relation to the grant of an exploration licence to Anglo Australian Resources NL overlapping the native title claims of the Ngarrawanji by 18.3%, Jaru by 36% and Koongie-Elvire by 45.7%. Member Shurven found that the future act was unlikely to interfere with the community or social activities or the sites of particular significance of the groups.
14/02/2017	Kevin Allen & Others (Njamal) and Brockman Exploration Pty Ltd and Western Australia	WO2015/0710	WA	Objection – Expedited Procedure Applies	Member Shurven found that the expedited procedure applies in relation the grant of an exploration licence to Brockman Exploration overlapping 9.3% of the native title lands of the Njamal people. Member Shurven found that the future act was not likely to cause major disturbance to land and waters and that there was insufficient evidence to determine if the acts would interfere with sites of significance or cause substantial interference with cultural or social activities. The Tribunal determined that in the event of sites of significance being affected, the proposed Regional Standard Heritage Agreement will be sufficient to protect the rights and interests of the Njamal.
01/02/2017	Raymond William Ashwin (dec) & Others on behalf of Wutha and Western Australia and Murray Ian Leahy	WO2016/0660	WA	Objection - Dismissed	Member Shurven found that the expedited procedure applies in relation to the grant of a prospecting licence to Murray Leahy wholly overlapping the claim area of the Wutha people. The Wutha claim group did not supply contentions or evidence to the Tribunal before the required deadline. The State then requested that the Tribunal dismiss the proceedings and this was communicated to the native title party. The Tribunal did not receive a response from the claim group. Member Shurven dismissed the proceedings with regard to the principles set out in *Teelow v Page* (2001) 166 FLR 266.

7.Publications

Curtin University & University of Western Australia

Curtin University and the University of Western Australia have released a report by entitled 'Aboriginal Assets? The impact of major agreements associated with Native Title in Western Australia'. The report addresses the question of how effective agreements arising from native title determinations are at meeting the needs and aspirations of Aboriginal peoples who have achieved, or are pursuing (through registered native title claims), legal recognition as native title holders.

To download the report, visit the Curtin University website.

Department of Prime Minster and Cabinet (PMC)

The 2017 Closing the Gap: Prime Minister's Report has been released.

To view the report, please visit the PMC website.

National Native Title Tribunal (NNTT)

The NNTT has released statements regarding how it will deal with area ILUAs following the *McGlade* decision, and pending amendments to the *Native Title Act 1993* (Cth).

To view the statements, please visit the NNTT website.

Northern Land Council (NLC)

The quarterly January 2017 edition of the Northern Land Council's newsletter is now available online.

To download, please visit the NLC website.

Osgoode Hall Law School, York University

Osgoode Hall Law School have published a research paper by Canadian legal academic Kent McNeil entitled 'Indigenous Law and Aboriginal Title'. McNeil discusses the relevance of Indigenous law to Aboriginal title in Canada, as revealed in three leading Supreme Court decisions: *Delgamuukw v. British Columbia* (1997), *R. v. Marshall; R. v. Bernard* (2005), and *Tsilhqot'in Nation v. British Columbia* (2014).

To download the paper, please visit the SSRN website.

South Australian Native Title Services (SANTS)

SANTS has released the summer 2017 edition of Aboriginal Way.

To view the newsletter, please visit the SANTS website.

South West Aboriginal Land and Sea Council (SWALSC)

SWALSC has released a message from their CEO regarding the *McGlade* decision.

To view the statement, please visit the SWALSC website.

8.Training and Professional Development Opportunities

AIATSIS

Australian Aboriginal Studies

Australian Aboriginal Studies (AAS) is inviting papers for coming issues. AAS is a quality multidisciplinary journal that exemplifies the vision where the world's Indigenous knowledge and cultures are recognised, respected and valued. Send your manuscript to the Editor by emailing aasjournal@aiatsis.gov.au. For more information, visit the journal page of the AIATSIS website.

Indigenous Law Centre, UNSW

Indigenous Law Bulletin

The *Indigenous Law Bulletin* (ILB) is a leading journal for accessible, accurate and timely information about Australia's Indigenous peoples and the law. The ILB is currently welcoming submissions to be included in the 2017 editorial calendar. For further information, contact the General Editor at ilb@unsw.edu.au or visit the ILB website.

ORIC

ORIC provides a range of training for Aboriginal and Torres Strait Islander corporations about the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act), the corporations rule book and other aspects of good corporate governance. For further information on training courses, visit the ORIC website.

9.Events

AIATSIS

National Native Title Conference 2017 – Our land is our birth right: MABO25 & Beyond

In 2017 the annual National Native Title Conference will be convened by the AIATSIS and the North Queensland Land Council (NQLC) on the traditional lands of the Gurumblibara Wulgurukaba people, Townsville Queensland.

Date: 5-7 June 2017

Location: Townsville Entertainment and Convention Centre, Entertainment Drive, Townsville City.

The call for papers is open until 31 March 2017.For further information, please visit the AIATSIS website or email ntconference@aiatsis.gov.au.

The Native Title Research Unit produces monthly publications to keep you informed on the latest developments in native title throughout Australia. You can subscribe to NTRU publications online, follow @AIATSIS on Twitter or 'Like' AIATSIS on Facebook.