

## Indigenous Land Use Agreements and terminated licences

Certain Crown land licences and permits have automatically terminated in accordance with a clause in those licences and permits, following the Bandjalang, Yaegl and Barkandji native title consent determinations.

The NSW Department of Industry—Lands & Water will not be able to reissue a number of these licences unless an Indigenous Land Use Agreement (ILUA) is negotiated by the NSW Government on behalf of those licence holders.

### About native title

The *Native Title Act 1993* is Commonwealth legislation passed by the Australian Parliament. Its objective is to provide a national system for the recognition and protection of native title and for its coexistence with the NSW state land management system.

The NSW Government fully supports the *Native Title Act 1993* (Cth) and is required to comply with its provisions when administering Crown lands. The NSW Government supports the use of ILUAs, where appropriate, as they are a means of dealing with native title issues through cooperation and agreement.

ILUAs are voluntary agreements between native title holders and others about the use of land and waters. ILUAs are designed to be flexible so that parties can reach agreements to suit their particular circumstances.

An ILUA must be made in accordance with the requirements of the *Native Title Act 1993* (Cth).

ILUAs must be registered with the National Native Title Tribunal (NNTT). Once registered, they are binding on all parties.

### How will an ILUA help get my licence reissued?

An ILUA can be made that allows land or waters to be used for the purpose currently specified in your licence.

More generally, an ILUA can:

- deal with issues such as access to land and waters, and how native title rights and interests coexist with the rights and interests of other people
- permit things to be done over land or water that are not permitted under the *Native Title Act 1993* (Cth)
- provide certainty for parties to carry out future activities on land and waters in the agreement area.

### Who will be party to the ILUA?

As a determination of native title has been made in the areas affecting the terminated licences, the type of ILUA to be negotiated will be a Body Corporate Agreement.

The parties to the Body Corporate Agreement will be the NSW Government on behalf of licence holders and others, and a Registered Native Title Body Corporate (RNTBC).

A RNTBC holds native title on trust, or acts as an agent for the persons who the court has decided hold the native title rights and interests.

### What other things might be included in an ILUA?

A Body Corporate Agreement ILUA can deal with one or more of the following:

- future uses and management of land
- acknowledgement of current land uses
- native title rights and interests

- how native title rights and interest will coexist with other land uses
- compensation or payments including rent
- any other native title matters.

## How long does it take to negotiate an ILUA?

The NSW Government will be moving as quickly as possible to negotiate ILUAs with the relevant native title holders. It will prioritise the ILUA negotiations, but anticipates the process will take at least 12 to 18 months depending on the complexity of issues raised.

While a number of ILUAs are in place across the state, these ILUA negotiations will be the first Body Corporate Agreements.

## Will the native title holders agree to the ILUA?

ILUAs are voluntary agreements. Initial feedback from native title holders suggests that they are willing to negotiate with the NSW Government to arrive at an ILUA that would address the terminated licence and other issues.

## Will I be able to participate in the negotiations?

You are not required to participate in the negotiations but you will be kept up to date.

If the state needs your assistance to advance the negotiations, it will contact you.

## What if I don't want my licence renewed?

If you do not wish to have your licence reissued as part of an ILUA, we ask that you contact the department on 1300 886 235 (choose option 3, then option 2) to advise of this.

If you do not wish to have your licence reissued, it is important to note that this will mean that your right to use the Crown land covered by the terminated licence will cease.

## Can I use the Crown land during ILUA negotiations?

You can continue to use the land as you have been under the terms of your terminated licence, unless advised otherwise by the department.

## How long is an ILUA in force?

An ILUA remains in force until it expires or the NNTT is advised that the parties to the agreement wish to terminate it.

## More information

**Department of Industry—Lands & Water**

Phone: 1300 886 235

Email: [cl.enquiries@crowmland.nsw.gov.au](mailto:cl.enquiries@crowmland.nsw.gov.au)

The department will endeavour to provide regular updates on the status of ILUA negotiations in your area.

More information about native title and the NNTT is available at [www.nntt.gov.au](http://www.nntt.gov.au)

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