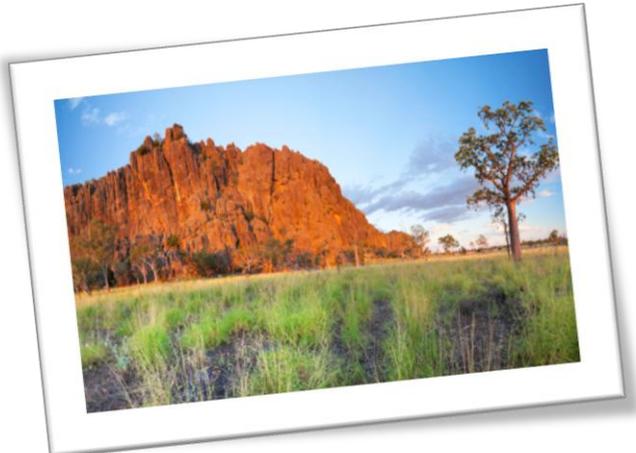


## About Indigenous Land Use Agreements (ILUAs)

### Fact sheet 1: A general guide to ILUAs



*This factsheet is provided for general information only and on the understanding that neither the Native Title Registrar nor the Commonwealth of Australia is providing legal or any other professional advice. Appropriate professional advice relevant to your circumstances should be sought.*

### **What are ILUAs all about?**

ILUAs are voluntary agreements that:

- must be about native title matters and can be about other matters;
- are binding between a native title group or Registered Native Title Body Corporate(s) (RNTBC(s)) and other parties; and
- whilst registered, bind all persons holding native title in the agreement area.

*A special feature of ILUAs is that whilst registered they bind all persons holding native title even those who are not parties.*

### **What are the different types of ILUAs?**

There are three types of ILUAs that can be made:

- Body Corporate Agreements;
- Area Agreements; and
- Alternative Procedure Agreements.

### **What are the benefits of ILUAs?**

ILUAs:

- deal with a wide range of native title matters such as the consent to future acts, compensation, protection of significant sites and culture, how native title rights and interests can be exercised alongside other interests;
- provide certainty for other parties who wish to carry out activities and developments on the land and waters in the agreement area even before native title has been determined;
- are processed, notified and registered in most instances within a period of less than 6 months; and
- offer an alternative to making a native title determination application.

## ***What is a Body Corporate Agreement?***

A Body Corporate Agreement is an agreement between the RNTBC for the agreement area and other parties about native title matters. A Body Corporate Agreement can be made once a determination of native title has occurred over the entire agreement area. For more information about Body Corporate Agreements see our **Fact sheet No 2 Making a Body Corporate Agreement and applying for Registration.**

## ***What is an Area Agreement?***

An Area Agreement is an agreement between the native title group and other parties about native title matters. An Area Agreement can be made with a registered native title claimant and/or a RNTBC and/or any person who claims to hold native title over the agreement area. For more information about Area Agreements see our **Fact sheet No 3 Making an Area Agreement and applying for Registration.**

## ***What is an Alternative Procedure Agreement?***

An Alternative Procedure Agreement is an agreement between the native title group (RNTBC and/or representative body/ies), relevant governments and other parties about native title matters. This type of agreement cannot provide for the extinguishment of native title rights and interests. For more information about Alternative Procedure Agreements see our **Fact sheet No 4 Making an Alternative Procedure Agreement and applying for registration.**

### ***Did you know?***

***The NNTT can assist you in negotiating an ILUA.  
See our website for more information on  
negotiation assistance or call the NNTT office in  
your region.***

## ***How can we assist you in making an ILUA?***

Some of the assistance we offer includes:

- having a National Native Title Tribunal (NNTT) Member provide negotiation assistance to the parties for them to reach agreement;
- geospatial assistance with mapping and describing the agreement area;
- reviewing your draft agreement and application for registration against the ILUA registration requirements and providing written preliminary comments; and
- assisting you to identify the registered native title claimants, representative bodies for the agreement area and providing other information from our Registers.

## ***Who must and who may be a party to an ILUA?***

This depends on the type of agreement. Parties can include registered native title claimants, RNTBCs, persons who claim to hold native title, relevant governments and other persons. For more information see our fact sheets on Body Corporate Agreements, Area Agreements and Alternative Procedure Agreements.

## ***How do you make a registration application for an ILUA?***

An ILUA registration application must be made in writing to the Native Title Registrar (Registrar) at the NNTT.

Template registration application forms for each type of ILUA can be downloaded from the NNTT's website. You can also access explanatory notes to assist with filling out the application forms. We also have a number of fact sheets on registration issues.

## **What is involved in the registration process?**

The steps to registration generally include:

- a preliminary assessment of the agreement and application against the requirements for ILUA registration;
- notification of the agreement;
- consideration of any information or objections received about the agreement in the course of notification, if any; and
- registration of the ILUA.

## **What is the Register of Indigenous Land Use Agreements?**

The Registrar maintains a number of registers, including the Register of ILUAs. Once an agreement is registered, details of the agreement are included on this Register.

You can access a copy of the Register Extract (but not the agreement itself) via the NNTT's website. The Register Extract is the document that contains the details of the agreement on the Register of ILUAs.

## **What details of the agreement does this Register contain?**

The Register of ILUAs contains details such as the parties, a map and description of the area and some of the terms of the agreement.

## **What does it mean when an ILUA is registered?**

Where an ILUA is registered and there are clauses that relate to the following matters:

- the parties' consent to future acts;
  - the parties' consent to the validation of future acts; and/or
  - the extinguishment of native title by surrender,
- these clauses attain the benefits of registration provided for under the Act.

## **What effect does registration of an agreement have?**

Once entered on the Register of ILUAs:

- an ILUA binds not only the parties, but all persons holding native title in the area covered who are not already parties;
- any future acts consented to in the agreement can be validly done;
- any validation of future acts agreed to takes effect; and
- any surrender consented to extinguishes native title rights and interests.

### **Did you know?**

*You can access a copy of the Register Extract for a registered ILUA at any time from our website.*

You can contact the NNTT office in your region for any further information about the matters discussed in this factsheet:

**National Native Title Tribunal,**  
**GPO Box 9973** in your region. The NNTT has offices in Brisbane, Cairns, Melbourne, Perth and Sydney.

**Freecall 1800 640 501.**

Information also available at [www.nntt.gov.au](http://www.nntt.gov.au)

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*All references to the Act are to the Native Title Act 1993 (Cth).  
References to the regulations are to either the Native Title (Indigenous Land Use Agreements) Regulations 1999 (Cth) or Native Title (Prescribed Body Corporate) Regulations 1999 (Cth).*