

Queensland Government Native Title Work Procedures

Module AC: Is there a registered Indigenous Land Use Agreement (ILUA) that covers the proposed dealing area?

Commonwealth Native Title Act 1993: s.24EB

August 2017

Version history

Version	Comments	Date published
1		August 2017

This publication has been compiled by Aboriginal and Torres Strait Islander Land Services, Department of Natural resources and Mines.

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Introduction

Module AC requires you to consider whether there is a **registered** ILUA over the proposed dealing area which you have identified in **Module AA**.

Important: Even though QNTIME or the National Native Title Tribunal website indicates that an ILUA covers the proposed dealing area, the ILUA may or may not be relevant to the proposed dealing.

Application of module

Where you can satisfy Requirement 1 and Requirement 2, this module applies to your proposed dealing.

What is an ILUA?

An ILUA is a voluntary agreement about the use and management of an area of land or waters, made with one or more native title groups.

These ILUAs are registered with the National Native Title Tribunal.

The effect of registering the ILUA is that all native title holders for the ILUA area, as well as any other party to the ILUA, are bound by the agreement, even if some of the native title holders are not a party to the ILUA.

The terms and conditions of an ILUA will set out the effect of a particular dealing on native title.

To find out if an ILUA is registered, go to National Native Title Tribunal website.

Important: The ILUA only provides the authority to proceed with the proposed dealing in relation to native title. It does not remove the requirement of complying with the relevant State legislation authorising the dealing, e.g.

- Ms Farmer negotiates an ILUA with the Jacaranda People for the grant of a term lease under the *Land Act 1994* for grazing purposes over an area of USL.
- Ms Farmer then approaches the Department of Natural Resources and Mines and advises she has addressed native title and should be granted a lease.
- There is no requirement for the State to give effect to the ILUA, as Ms Farmer has not been made any offer nor satisfied any of the requirements of the *Land Act 1994*.

The ILUA may also have certain conditions that must be observed or complied with (e.g. procedural rights or steps to follow) before the dealing can proceed.

Requirement 1: Registered ILUA that covers the proposed dealing area

1. If there is a registered ILUA that covers the proposed dealing area, go to Requirement 2.
2. If there is no registered ILUA that covers the proposed dealing area, go to **Module AD**.

Important: In some cases, a proposed dealing area may be covered by the external boundary of an ILUA but specifically excluded from the actual ILUA. E.g. an ILUA may specifically exclude any areas where native title has been extinguished.

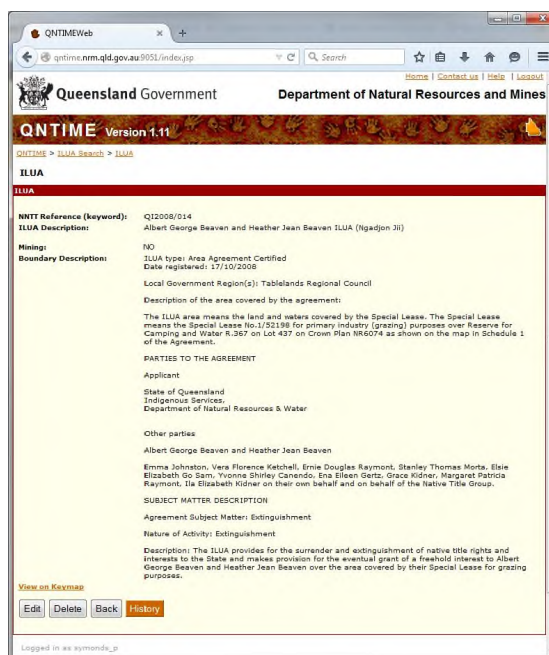
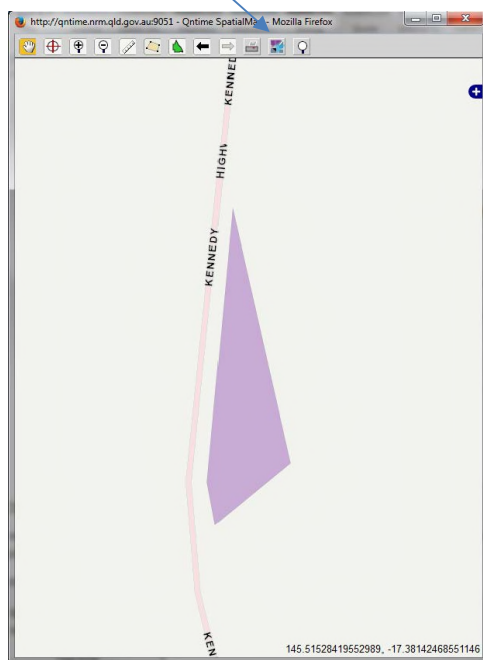
Helpful tips

There are 2 ways to identify if a registered ILUA covers the proposed dealing area.

QNTIME Search

Identify your proposed dealing area on the QNTIME Keymap and carry out a native title window fill.

Native title window fill button



National Native Title Tribunal search

Whilst QNTIME makes all attempts to ensure the data it receives from the National Native Title Tribunal is uploaded as soon as possible, there may be instances when there is a delay in having the ILUA details entered into the system.

It is recommended that you also carry out a search on the National Native Title Tribunal website.

National Native Title Tribunal Search this site...

ABOUT US | FUTURE ACTS | INDIGENOUS LAND USE AGREEMENTS | NATIVE TITLE CLAIMS | ASSISTANCE | SEARCH THE REGISTERS & APPLICATIONS

Search Register of Indigenous Land Use Agreements

The Register of Indigenous Land Use Agreements contains information about indigenous land use agreements (ILUAs) that have been accepted for registration.

Under the Native Title Act, the Registrar is responsible for maintaining the Register of Indigenous Land Use Agreements and must enter the following details:

- a description of the area covered by the agreement
- the name of each party to the agreement and the address at which the party can be contacted
- if the agreement specifies the period during which it will operate — that period
- if the agreement includes any statements regarding extinguishment, the validation or doing of future acts, contracting out of the right to negotiate provisions of the NTA, or changing the effect of intermediate period acts on native title — a reference to that fact, setting out any such statements.

Further information on the ILUA Register is available.

Tribunal file no.

ILUA name

ILUA type

State or Territory

Representative A/TSI body area

Subject Matter

Date registered between and

Sort by

Your search returned **1** matches.

ILUA name	ILUA type	Subject matter(s)	Tribunal file no	Date registered
Albert George Beaven and Heather Jean Beaven ILUA	Area Agreement	Extinguishment	QI2008/014	17/10/2008

Click on the pdf document to bring up the Register Extract.

HOME | GLOSSARY | EXTERNAL LINKS | CONTACT US | LOGIN

National Native Title Tribunal Search this site...

ABOUT US | FUTURE ACTS | INDIGENOUS LAND USE AGREEMENTS | NATIVE TITLE CLAIMS | ASSISTANCE | SEARCH THE REGISTERS & APPLICATIONS

Register of Indigenous Land Use Agreements Details Back to search results >

QI2008/014 - Albert George Beaven and Heather Jean Beaven ILUA

Tribunal file no. QI2008/014

ILUA name Albert George Beaven and Heather Jean Beaven ILUA

ILUA type Area Agreement

Representative A/TSI body area(s) North Queensland Land Council Native Title Representative Body Aboriginal Corporation


State or Territory Queensland

Primary subject matter Extinguishment

Other subject matter(s)

Date registered 17/10/2008

Register extract

Register extract  [ILUARegisterExport.pdf](#)

Native Title Vision, a web-based application which is provided by The National Native Title Tribunal, may also be utilised to ascertain basic information about the geographic extent or external boundary of an ILUA.

Requirement 2: Registered ILUA authorises the proposed dealing

The registered ILUA must evidence the consent of the native title party/ies to your proposed dealing/s to allow it to proceed validly with respect to native title. E.g.

- The proposed dealing is specifically described in the ILUA, e.g. the grant of an exploration permit to the ABC Mining Company; or
- The proposed dealing is within a class of acts described in the ILUA, e.g. the grant of exploration permits within the area covered by the ILUA over the next 5 years to various applicants.

Additionally, the registered ILUA may provide for certain steps to be followed before the doing of your proposed dealing, e.g.

- notice being sent to the native title parties X days prior to the act being done; or
- provision of a survey plan accurately showing the area to which the act applies.

If the ILUA does not authorise the proposed dealing, go to **Module AD**.

Helpful tips

Obtaining a copy of the registered ILUA

1. Register Extract

From the National Native Title Tribunal website, you can search the Register of ILUAs and obtain the Register Extract.

A Register Extract will generally provide you with a good indication of whether the registered ILUA is likely to be relevant to your proposed dealing. E.g. the proposed dealing area is covered by an ILUA with Ergon but the proposed dealing is the conversion of a pastoral lease. In this case, it is clear that the Ergon ILUA will have no bearing on your assessment.

2. ILUA

The applicant will need to provide a copy of the ILUA. In certain circumstances ATSILS may already have a copy of the ILUA, e.g. if the State was a party to the ILUA.

Where an applicant provides you with a copy of the ILUA, it is acceptable for any commercial in confidence clauses to be blacked out or removed.

QNTIME action

Where native title is to be surrendered under the terms of an ILUA, then at the point when native title is surrendered, e.g. immediately prior to the grant of freehold, a request should be made to have this surrender recorded in QNTIME.

Finalising your assessment

If all the requirements of Module AC are met, finalise your Native Title Assessment using **Annexure 7.1**.