

# Guidelines for Users of the Register of Land Use Activity Agreements

## 1. What is a Land Use Activity Agreement?

A Land Use Activity Agreement (LUAA) is a sub-agreement under the Recognition and Settlement Agreement. Both agreements form part of a settlement package between the State and Traditional Owners under the *Traditional Owner Settlement Act 2010* (Vic).

A LUAA specifies the types of land use activities that may be carried out on or affecting Public Land in the Agreement area, and the level of consultation or negotiation required with traditional owners (routine, advisory, negotiation or agreement). The LUAA also outlines a formula for the payment of community benefits to traditional owners for certain negotiation and agreement activities.

## 2. What is the Register of Land Use Activity Agreements?

The Register of Land Use Activity Agreements (LUAA Register) is an online tool to assist activity proponents to understand and meet their land use activity obligations under the *Traditional Owner Settlement Act 2010* (Vic).

The LUAA Register provides the following information:

- a description of the land to which each agreement applies
- maps of the Agreement area
- the date of the initial registration of the agreement
- a copy of each registered agreement
- the date of any variations to each agreement
- a copy of each varied agreement.

## 3. Who is the Registrar?

The Registrar of the Register of Land Use Activity Agreements is the Director of the Native Title Unit. The Registrar is employed under Part 3 of the *Public Administration Act 2004* (Vic) to maintain the Register and carry out any other function conferred on the Registrar by or under the *Traditional Owner Settlement Act 2010* (Vic) or any other Act. Staff of the Register (the Native Title Unit) will assist the Registrar in performing these functions.

The Registrar's duties include:

- registering the initial agreement
- registering any variations to the agreement
- updating any changes to the area maps or description
- updating web content on the Register
- responding to general enquiries
- certifying copies of the LUAA where requested to do so
- assisting individuals who lodge a request to obtain further information about particular land boundaries.

The Registrar can help you to understand the contents of the LUAA or refer you to other government departments or agencies. The Registrar cannot give legal advice about rights and obligations arising under the LUAA or *Traditional Owner Settlement Act 2010* (Vic).

## 4. How does the Registrar register a Land Use Activity Agreement?

After entering into a LUAA, the Attorney-General must lodge the Land Use Activity Agreement with the Registrar who will then:

- register the Land Use Activity Agreement
- publish a notice of registration in the Government Gazette
- give written notice to relevant Ministers.

A LUAA does not come into effect until the notice of registration is published in the Government Gazette or at a later date specified in the LUAA. For example, in the case of the Dja Dja Wurrung LUAA, clause 2(b) specifies that the LUAA will not commence until after the registration of the Indigenous Land Use Agreement and the issuing of Ministerial Directions for advisory activities such as minimum standards for notification (see Schedule 5 of the LUAA for more information).

## 5. Can the State or Traditional Owner Group Entity vary a Land Use Activity Agreement?

The State and Traditional Owner group entity can vary a LUAA by consent. Any variation will be recorded on the Register. Users of the Register should check to make sure that they have the most up to date version of the LUAA before commencing any land use activities.

## 6. Does the commencement of any Land Use Activity Agreement affect existing public land or earth resource authorisations?

No. Section 73 of the *Traditional Owner Settlement Act 2010* (Vic) specifies that the LUAA does not apply to:

- a. any public land authorisation or earth resource or infrastructure authorisation that existed before the coming into effect of the LUAA
- b. any other land use activity, that had commenced before the coming into effect of the LUAA.

Please consult the links on the LUAA Register homepage for further information about the Land Use Activity Regime.

## 7. Do I need to make a formal application to search the Register?

No. The LUAA Register is a public record. Anyone has the right to search the Register and inspect information on the Register. You do not need to make a separate application or pay a fee to search the Register.

## 8. What will the Register show?

A user can download a copy of each LUAA including maps that illustrate the external boundaries of an Agreement area. There will be parcels of land within this area that are excluded from the LUAA, such as freehold estates or land on which infrastructure is situated.

It is up to each user to read the LUAA, examine the attached maps, and draw conclusions about their own responsibilities in the Agreement area. The Registrar can provide general assistance to interpret the material but cannot provide legal advice about any person's obligations arising from the LUAA.

## 9. Can I obtain a certified copy of a Land Use Activity Agreement for use in court or tribunal proceedings?

Yes. Section 77 of the *Traditional Owner Settlement Act 2010* (Vic) allows members of the public to obtain certified copies of a LUAA for use in court or tribunal proceedings. If you wish to obtain a certified copy of a LUAA, please fill out the form attached to the LUAA Register and post or email the form to the Registrar. After receiving the form, the Registrar will assess your application and post you a certified copy of the agreement. You cannot rely on a copy of the LUAA downloaded from the Department's website that has not been certified by the Registrar in court or tribunal proceedings.

## 10. Are there any fees for submitting a form or accessing information on the Register?

The LUAA Register is freely available to all members of the public as required by section 75 of the *Traditional Owner Settlement Act 2010* (Vic). There are no prescribed fees for submitting a form or downloading a copy of the agreement or the maps.