

# 4. What is a Land Use Activity Agreement?

## Information about the Taungurung *Traditional Owner Settlement Act 2010* agreement

A Land Use Activity Agreement (LUAA) establishes processes for Traditional Owner corporations to be intrinsically involved in and – in some cases – consent to or refuse future uses of public land. This approach is based on the legal recognition of the inherent rights and interests of Traditional Owners to their country, and more specifically, to land that has not been made freehold, or ‘private’ land by the Crown. It also reflects the basis on which consent was given by the Taungurung for the undertaking of future acts under the Indigenous Land Use Agreement.

A LUAA covers all public land in the settlement area, subject to some exclusions. Areas of public land may be excluded from a LUAA by established criteria, such as where existing public infrastructure is in place, there is a planned future use, or land is vested in a government agency.

A LUAA sets in place an alternative approach to the ‘future act’ processes under the *Native Title Act 1993*.

### What does a LUAA provide for the Taungurung?

Depending on the type of activity that is proposed, the Taungurung Land and Waters Council Aboriginal Corporation (TLaWCAC) will have a say over future uses of public land in the settlement agreement area.

The *Traditional Owner Settlement Act 2010* and the LUAA establish four categories of activities, and the procedures for TLaWCAC’s involvement in each type:

- For **Agreement Activities** TLaWCAC must provide its consent before an activity can proceed. Examples include the sale or long-term commercial leasing of public land.
- For **Negotiation Activities** TLaWCAC must provide its consent before an activity can proceed, or the Victorian Civil and Administrative Tribunal must make a determination that the activity can proceed, with or without conditions. Examples include major public works, mining and non-standard exploration, and certain leases and licences over public land.
- For **Advisory Activities** there must be consultation with TLaWCAC prior to the activity proceeding. Examples include management planning, minor public works and certain types of leases and licences.
- **Routine Activities** do not require any consultation or negotiation with TLaWCAC before they may proceed. Examples include fencing and maintenance work.

Agreement and Negotiation Activities will entail agreement on the provision of ‘community benefits’ payable to TLaWCAC for the activity’s impact on the Taungurung’s Traditional Owner rights. Community benefits can also include other economic, cultural or social benefits that can be explored as part of the agreement process.

## What does this mean for parties undertaking an activity on Crown Land?

Activity proponents – including state agencies, business proponents, miners and developers – have legal obligations to honour under the LUAA.

For more information, including user guidelines, regulations and forms visit the Register of Land Use Activity Agreements at: <https://www.justice.vic.gov.au/your-rights/native-title/register-of-land-use-activity-agreements>