



Australian Government

LGALAND503A Develop agreements with native title holders/traditional owners

Revision Number: 2

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Modification History

LGALAND503A Release 2: Layout adjusted.

LGAGLAND503A Release 1: Primary release.

Unit Descriptor

This unit covers developing agreements with traditional owners about native title and other matters of mutual concern.

Application of the Unit

This unit supports the attainment of skills and knowledge required for competent workplace performance in councils of all sizes. Knowledge of the legislation and regulations within which councils must operate is essential. The unique nature of councils, as a tier of government directed by elected members and reflecting the needs of local communities, must be appropriately reflected.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a Unit of Competency

Performance criteria describe the required performance needed to demonstrate achievement of the element. Where **bold italicised** text is used, further information is detailed in the Range Statement. Assessment of performance is to be consistent with the Evidence Guide.

Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1 Conduct background research to identify traditional owners	1.1 <i>Protocols for consultation</i> with Aboriginal or Torres Strait Islander people are researched and documented. 1.2 <i>Appropriate research</i> is undertaken to identify the correct traditional owners, including consultation with the relevant native title representative body and the National Native Title Tribunal (NNTT). 1.3 Expert advice is sought where appropriate.
2 Identify key stakeholders	2.1 NNTT is consulted about the requirements for registering an Indigenous land use agreement (ILUA). 2.2 <i>Other stakeholders</i> or potential parties to the agreement are identified through consultation with relevant government agencies. 2.3 Other Indigenous people with interests are identified. 2.4 Meetings are held with traditional owners to establish rapport and credibility.
3 Negotiate with traditional owners	3.1 The range of issues to be addressed through an agreement is clarified with council. 3.2 Highly desirable, unacceptable, or possible trade-off positions on each issue are identified for discussion with the traditional owners. 3.3 The scope of the negotiations is identified and agreed with traditional owners. 3.4 <i>Culturally appropriate protocols</i> for negotiations are established. 3.5 Levels of confidentiality and liaison with the media are agreed. 3.6 Processes and timing for consultation with the wider community are agreed. 3.7 Arrangements for liaison with the media are agreed. 3.8 Negotiations are appropriately managed and focussed on mutual outcomes. 3.9 Agreement is reached through negotiation and terms and conditions of agreement are drafted.
4 Register the agreement	4.1 <i>Expert advice</i> is sought on the draft terms and conditions of the agreement. 4.2 Draft terms and conditions of the agreement are documented. 4.3 NNTT is consulted about requirements prior to lodging an ILUA registration. 4.4 Application for registration is lodged with <i>appropriate</i>

ELEMENT**PERFORMANCE CRITERIA**

agencies and any queries or additional requirements are satisfied.

4.5 The agreement is registered.

4.6 *Arrangements* are established for implementation and fulfilment of commitments detailed in the agreement.

Required Skills and Knowledge

This describes the essential skills and knowledge and their level, required for this unit

Required Skills

- oral and written communication
- research
- evaluation
- decision making
- negotiation
- consultation
- media liaison

Required Knowledge

- cultural context
- location and resources
- legal requirements
- organizational processes
- equity and diversity principles
- council policies and procedures
- state or territory and commonwealth government departments and agencies
- Indigenous land use agreements

Evidence Guide

Overview of assessment requirements	A person who demonstrates competency in this unit will be able to perform the outcomes described in the Elements to the required performance level detailed in the Performance Criteria. The knowledge and skill requirements described in the Range Statement must also be demonstrated. For example, knowledge of the legislative framework and safe work practices that underpin the performance of the unit are also required to be demonstrated.
Critical aspects of evidence to be considered	The demonstrated ability to: <ul style="list-style-type: none">• conduct appropriate research to identify traditional owners• identify key stakeholders and establish rapport and credibility to facilitate the negotiation process• conduct negotiations with traditional owners to reach agreement• register an Indigenous land use agreement.
Context of assessment	<p>Competency is demonstrated by performance of all stated criteria, with particular attention to the critical aspects of evidence and the knowledge and skills elaborated in the Evidence Guide, and within the scope of the Range Statement.</p> <p>Assessment must take account of the endorsed Assessment Guidelines in the Local Government Training Package.</p> <p>Assessment of performance requirements in this unit should be undertaken in an actual workplace or simulated environment.</p> <p>Assessment should reinforce the integration of the key competencies for the particular AQF level. Refer to the key competency levels at the end of this unit.</p>
Relationship to other units (prerequisite or co-requisite units)	To enable holistic assessment this unit may be assessed with other units that form part of the job role.
Method of assessment	The following assessment methods are suggested: <ul style="list-style-type: none">• observation of the learner performing a range of workplace tasks over sufficient time to demonstrate handling of a range of contingencies• written and/or oral questioning to assess knowledge and understanding• completion of workplace documentation• third-party reports from experienced practitioners• completion of self-paced learning materials including personal reflection and feedback from trainer, coach or supervisor.

Evidence required for demonstration of consistent performance

Evidence should be collected over a set period of time that is sufficient to include dealings with an appropriate range and variety of situations.

Resource implications

The learner and trainer should have access to appropriate documentation and resources normally used in the workplace.

Range Statement

The Range Statement relates to the Unit of Competency as a whole. It allows for different work environments and situations that may affect performance. ***Bold italicised*** wording in the Performance Criteria is detailed below.

- Protocols for consultation*** may include:
- use of interpreters
 - talking to the appropriate people
 - respecting cultural differences
 - respecting family, kinship and clan relationships
 - allowing sufficient time for the parties to receive, absorb and respond to information
- Appropriate research*** may include:
- register searches
 - consultation with the relevant native title representative body
 - NNTT decisions and records
 - state or territory government policies
- Other stakeholders*** may include:
- other landholders
 - lessees
 - state or territory government agencies
 - commonwealth departments and agencies
 - other Aboriginal or Torres Strait Islander people with historical connections to the area
- Culturally appropriate protocols*** may include:
- representation and mandate
 - methods of communication in face to face meetings
 - time frames
 - meeting times
 - venues
 - use of interpreters
 - levels of confidentiality
- Expert advice*** may include:
- solicitors and barristers
 - native title representative bodies
 - native title holders/applicants
 - NNTT
 - the federal court
 - state or territory governments
 - other professionals with relevant expertise, including anthropologists, archaeologists, valuers, planners and mediators
- Appropriate agencies*** may include:
- federal court
 - NNTT
 - federal attorney-general's department
 - native title representative bodies

Arrangements may include:

- state or territory governments
- formal or registered agreements
- informal agreements

Unit Sector(s)

Land Management