# Who is responsible for LUAA compliance? Guidance for local government

Under the *Traditional Owner Settlement Act*, the responsibility for ensuring LUAA compliance falls on the person or organisation that is the “**decision maker**” for the land. This is usually the land manager.

Where a local council is empowered to manage public land, or to issue permits or licences for land, that council is the decision maker. It must determine what (if any) processes the LUAA requires before taking that action. For the kinds of land use activities typically undertaken by local councils, the council is generally also **responsible** for conducting any required notification, consultation, or negotiation processes.

If a Committee of Management is legally delegated to make decisions or carry out works on its own authority, then it is the “decision maker” and has the legal responsibility to comply with the LUAA. In practice, local councils may wish to assist Committees of Management to understand and/or carry out their responsibilities.

Where a council is involved in a project that requires authorisation by the Department of Energy, Environment and Climate Action (DEECA) or another department, then that department may be the relevant “decision maker” – and thus responsible for assessing and carrying out LUAA processes. Of course, it will assist council’s planning to be aware of the likely LUAA requirements from an early stage, even if a department will bear the legal responsibility.

The Act also identifies some situations where someone other than the decision maker is the **responsible person**, i.e. responsible for carrying out negotiations and paying any agreed amounts. As noted above, for most if not all Negotiation activities relevant to local councils – such as major public works for which council is the decision maker – council will be responsible for conducting the negotiations itself. Only where a council is intending to grant a long term commercial lease/licence/permit (more than 10 years) will this distinction be relevant.