

Your legal problem is about ...

- Trees and hedges
- Residential development
- Other development
- Mining
- Biodiversity
- Heritage
- Water
- Land valuation
- Compensation for compulsory acquisition of land
- Reviewing a government decision
- Failing to obey the law or orders**
- Environmental crime
- Aboriginal land claims

## Failing to obey orders or the law

Planning or environmental laws impose various obligations on people to do something or not to do something. Mostly, the laws impose these obligations directly. Other times, the laws give power to government authorities to issue orders which impose the obligations.

### Obligations imposed by laws

Planning or environmental laws impose various obligations on people in relation to what activities can and cannot be carried out on land or buildings on land. Generally, these obligations are that people not carry out a certain activity, not carry out an activity in a certain way, or not carry out an activity with a certain consequence such as causing environmental harm of some kind.

If people wish to be relieved of these obligations, they may be able to apply for some form of statutory approval authorising the activity. If the person obtains statutory approval, the person will be under an obligation to carry out the activity in accordance with the approval. A failure to comply with any of these obligations is a breach of the statute imposing the obligation and a criminal offence.

### Obligations imposed by administrative orders

Planning or environmental laws may also give power to local and State government authorities to issue administrative orders to persons to do or to stop doing something on land. Examples of administrative orders are:

- orders under [s 121B](#) of the *Environmental Planning and Assessment Act 1979* to do or refrain from doing something in relation to land or a building
- orders under [s 124](#) of the *Local Government Act 1993* to do or refrain from doing something in relation to land or a building
- orders under [s 23](#) of the *Swimming Pools Act 1992* requiring the owners of a swimming pool to bring it into compliance with the Act, such as by proper fencing around the pool
- environmental protection notices under [Chapter 4](#) of the *Protection of the Environment Operations Act 1997* to clean up pollution, prevent activities being carried out in an environmentally unsatisfactory manner, or prohibit an activity causing harm to the environment or public health
- orders under [Part 3](#) of the *Contaminated Land Management Act 1997* requiring investigation, management and on-going maintenance of contaminated land
- orders under [s 37](#) or [s 38](#) of the *Native Vegetation Act 2003* to stop work of clearing native vegetation or to carry out remedial work on land affected by clearing.

These administrative orders have the force of law. They impose a statutory obligation to do or to stop doing the thing specified by the order. A failure to comply with the order is a breach of the statute under which the order is made and a criminal offence.

### Court proceedings to enforce compliance

Civil proceedings in [Class 4](#) of the Court's jurisdiction may be brought to restrain and to remedy breaches of the statutes caused by a failure to comply with obligations imposed by the statute or an administrative order issued under the statute. Criminal proceedings in [Class 5](#) of the Court's jurisdiction may be brought to prosecute offences.

### More information

Find more Information about:

- [civil proceedings to remedy and restrain statutory breaches](#)
- [criminal proceedings to prosecute offences](#).

## Failing to obey the law or orders

### Fast track ...

Need to know about Court proceedings to enforce compliance with laws or administrative orders? Go to:

- [civil proceedings to remedy and restrain statutory breaches](#),
- [criminal proceedings to prosecute offences](#).

### Need legal advice or information?

In NSW, there are a number of places where you can get specialised legal advice on the sorts of legal problems heard by the Land and Environment Court. Find out [where to get legal advice and information](#).