*Local Government Act 2020* – Carrying out works on land

If a person fails to carry out work which is required by law (under any Act, Regulation, or local law), the required work may be completed either by a Council, the owner of the land or any appointed contractor.

Sections 117 and 118 of the [*Local Government Act 2020* (the 2020 Act)](https://go.vic.gov.au/ItwMvR) (the 2020 Act) specify when a Council, or other person, can carry out required work, and the right of the owner of land to carry out required work on their occupied land.

When Council or other person can carry out required work (section 117)

What if a person fails to carry out the work required by a Council?

Council may either carry out the work itself or appoint an approved person to complete the work.

Who will recover the cost of carrying out the work?

Where the Council or the appointed person performs the work, they can recover the cost of carrying out the work from the person who failed to do it.

Right of owner to carry out required work on occupied land (section 118)

How can an owner carry out work on occupied land?

Under any Act, Regulation or Local Law, a Council may require a landowner to carry out work on their land.

If the land is occupied, the owner may provide a written notice to the occupier of the land:

* stating details of the work to be undertaken; and
* requiring the occupier to permit the owner and any other person access to enter the land to carry out the work.

What happens if the occupier of the land does not comply with the notice?

The landowner may apply to the Magistrates' Court for an order if the occupier of the land does not comply with the notice within seven (7) days of being given the notice.

If the Court order application is granted, the occupier will be required to provide access to the land to the owner and any other person to carry out the work.

What happens if the occupier of the land does not comply with the order?

The occupier is guilty of an offence and can receive a penalty of ten (10) penalty units if they fail to comply with the Court order.

However, while the occupier of the land fails to comply with an order, the owner will not receive any penalty by the Council for failing to carry out the work.

Relationship to the *Local Government Act 1989*

*Was this in the previous Local Government Act 1989* (the 1989 Act)?

Similar provisions sat under sections 225 & 226 of the 1989 Act – these have now been replaced by sections 117 and 118 of the 2020 Act.