

NOTICE TO CONTRIBUTE FOR FENCING WORK

Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 – Section 31

To:

Address:

Please note that I/we propose that fencing work be carried out in respect of our adjoining lands at:

(Include description of lands e.g. street addresses, lot numbers or other identifying particulars.)

It is proposed that the fencing work be carried out on the common boundary of our adjoining lands described above¹ and that the type of fencing work consist of²:

and that the fence be constructed of³:-

The estimated cost of the fencing work is: \$

I propose that the cost of the fence be shared equally between us /be shared in the following proportions/be shared in the following way⁴:-

and that you contribute

and I contribute

A copy of one (1) written quotation specifying the estimated cost of the fencing work is attached.

If you **agree** to this proposal, please complete the attached 'Agreement to contribute to fencing work' and **return a signed copy of the agreement to me/us within one (1) month of the date this notice is given to you** to the following address:

Please let me/us know **within one (1) month of the day this notice is given to you** if you do not **agree** to this proposal.

FORM 2: NOTICE TO CONTRIBUTE FOR FENCING WORK
Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 – Section 31

Full Name:

Address:

Signature/s:

Date:

Notes:

Section 30(1) of the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* (the Act) encourages adjoining owners to attempt to resolve issues about fencing work to avoid a dispute arising.

¹ If it is impracticable to carry out fencing work on the common boundary, the line on which the proposed fencing work is to be carried out must be specified.

Section 40 of the Act provides for a process if adjoining owners do not agree on the position of the common boundary.

² Section 16 sets out the meaning of *fencing work* which can include construction of a new dividing fence, repair of an existing dividing fence, replacement of a dividing fence, and modification of a dividing fence, surveying or preparation of land, including the trimming, lopping or removal of vegetation along or on either side of the common boundary of adjoining lands.

³ Section 13(3) of the Act sets out prescribed material for a dividing fence.

⁴ If it is proposed that the cost of fencing work be shared otherwise than in equal proportions, the proposed proportions must be specified (refer to section 31(4) of the Act). For example, an adjoining owner may contribute by a payment of an amount of money or provision of labour or materials (refer to section 31(6) of the Act).

Section 31(6) of the Act provides that if within one (1) month after this notice is given, the adjoining owners do not agree about the proposed fencing work, or the contributions to the cost of the proposed fencing work, then either one may, within two (2) months after this notice is given, apply to the Queensland Civil and Administrative Tribunal for an order about carrying out fencing work (refer to section 35 of the Act).

A copy of the Act may be accessed at www.legislation.qld.gov.au

PLEASE KEEP A COPY OF THIS NOTICE FOR YOUR RECORDS AND MAKE A NOTE OF THE DATE THIS NOTICE WAS GIVEN TO YOUR NEIGHBOUR.

AGREEMENT TO CONTRIBUTE TO FENCING WORK

I/We the adjoining owner/s acknowledge receipt of the Notice to contribute for fencing work and agree/disagree to contribute to the fencing work.

I/We agree to contribute to the fencing work as follows:

I/We will pay our contribution to you/the fencing contractor as follows:

Full Name:

Address:

Signature/s:

Date:

PLEASE KEEP A COPY OF THIS AGREEMENT FOR YOUR RECORDS AND MAKE A NOTE OF THE DATE THIS SIGNED AGREEMENT WAS GIVEN TO YOUR NEIGHBOUR.