

# Neighbourhood Disputes Resolution Bill 2010

## Fact sheet - overview

*Disputes about trees and fences are two of the biggest causes of neighbourhood discontent in Queensland. Who owns a fence? Who pays for its repair or replacement? Whose responsibility is it to prune the branches of a tree hanging over your back fence?*

*New laws have been drafted to make it easier for neighbours to avoid and reduce disputes before they escalate and end up in court.*

*The proposed new legislation, the Neighbourhood Disputes Resolution Bill 2010, has been tabled in Parliament and will be available for public comment until 9 July 2010.*

*Friendly, tight-knit communities are one of Queensland's great strengths. The Queensland Government is committed to preserving this lifestyle and making sure Queenslanders have clear and practical ways to solve neighbourhood disputes over trees and fences.*

This fact sheet does not provide legal advice. This is a guide only to the Bill for the purposes of the consultation process.

### Modernising Queensland's laws

For almost 60 years the *Dividing Fences Act 1953* has been the statutory authority on dividing fences. The *Neighbourhood Disputes Resolution Bill 2010* modernises many sections of the Act and uses contemporary drafting styles and language. It will provide more effective remedies for neighbours to help them resolve disputes about dividing fences and trees.

### The key changes

The Neighbourhood Disputes Resolution Bill addresses community concerns raised during two consultation processes including the views that the laws needed to be clearer and easier to follow.

The proposed Bill reflects the strong community view that in the neighbourhood a tree owner (known as the 'tree keeper') should be responsible for the proper care and maintenance of a tree and it provides clear direction about a tree keeper's responsibilities.

Other general changes include:

- clarification that the ownership of a dividing fence on a common boundary is shared equally between neighbours
- a new statutory framework giving the Queensland Civil and Administrative Tribunal (QCAT) jurisdiction to make orders in disputes about trees and fences.
- two new forms – 'Notice for contribution to fencing work' and 'Notice for overhanging branches'
- the distinction between a retaining wall and a fence
- clearer rules for pastoral and agricultural fences.

### Get involved and have your say

Learn more, get involved and have your say about the proposed new laws. Public consultation closes on **9 July 2010**. For more information about the Bill and how to provide feedback visit [www.justice.qld.gov.au](http://www.justice.qld.gov.au)

*Neighbourhood Disputes Resolution Bill 2010 – consultation closes 9 July 2010*