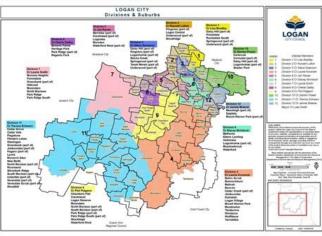
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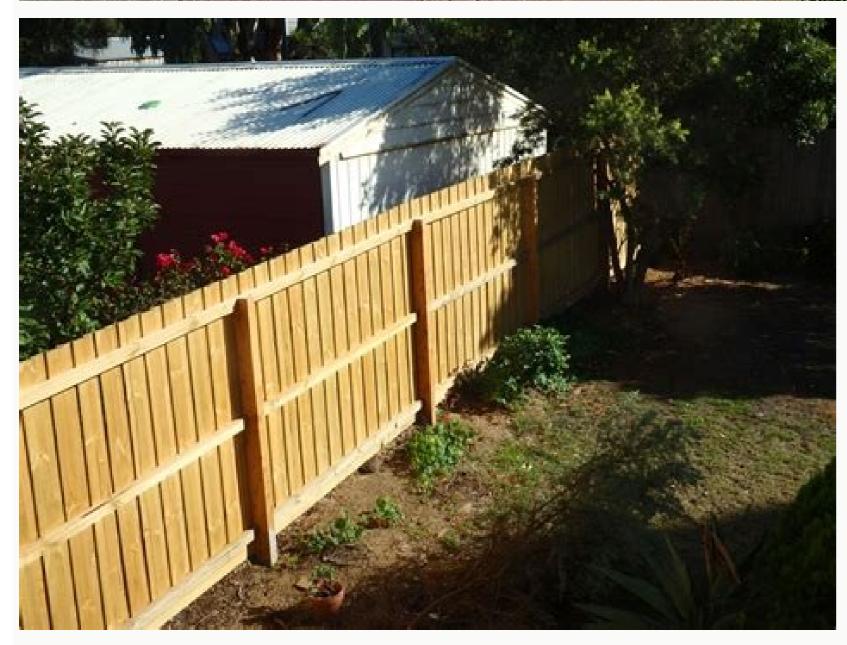
## Dividing fence act qld fact sheet











Community Legal Centres Queensland provide a directory of local community legal centres that can help you or the Queensland Law Society can refer you to a private lawyer. It is always better to reach an agreement with your neighbour and avoid any possibility of a legal dispute. Mediation Mediation offers an alternative way of settling disputes without the need for legal action. Our tips for resolving fence disputes can help. However, where one neighbour wants more work done than is necessary for a 'sufficient dividing fence' they pay the extra cost. For example, if your neighbour needs a higher fence to keep their dog from getting out, they should pay the extra cost or provide extra materials and labour to build the fence to the height they need it above what is 'sufficient' for your needs. Damage to a fence (e.g. people working on their property) they must restore the dividing fence to a reasonable standard, taking into consideration the state of the fence before it was damaged. If they do not restore the fence, you can send them a notice to contribute for fencing work, or get them to pay for urgent fencing work if necessary. Retaining walls are not classed as fences under the Neighbourhood Disputes Resolution Act 2011. The laws and regulations for dividing fences therefore do not apply. You should be careful to build your fence on the boundary if you are paying half the cost. Who can help resolve a fence dispute? Whenever possible, you should solve any dispute directly with your neighbour. This, however, has ownership implications. Disputes about dividing fences are covered by the Neighbourhood Disputes Resolution Act 2011. Who owns a fence? If it is built on the common boundary line, a dividing fence is owned equally by the adjoining neighbours as they are usually benefit one neighbours. They are normally not a matter of joint responsibility for neighbours as they are usually benefit one neighbours. wall if the repair of the fence will also require work on the retaining wall. Swimming pool fences. People often disagree over who pays for the building and upkeep of the fence, or the type of fence needed, particularly when one neighbour wants a fence for a specific purpose, such as to keep a dog. Your legal rights concerning a fence between your neighbour's and your land which are covered by The Neighbourhood Disputes (Dividing Fences and Trees) Act 2011. What is a dividing fence? A fence does not just mean a line of posts, wire or panels; rather, it is anything that encloses an area of land—including a ditch, embankment, a hedge or even a creek—and it does not have to extend along the whole boundary. We have dispute resolution centres throughout Queensland Civil and Administrative Tribunal (QCAT)QCAT can help resolve neighbourhood fence disputes—valued up to and including \$25,000. This can be: wood, including timber palings and lattice panelschain wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cementconcrete blockshedge or other barrier made from vegetation wiremetal panels or rodsbricksrendered cemental panels or rodsbricksrendere neighbour agree it is, or QCAT decides it is sufficient. This is called a notice to fence. Mediation is cheaper, easier and quicker than going to a court or tribunal. It also includes gates, cattle grids, or anything else that forms part of the enclosure. A dividing fence is normally constructed on the common boundary line between two properties, although it may be built off the boundary line when the physical features of the land prevent it. Retaining walls are built to support built up or excavated earth. QCAT should be seen as a last resort. The responsibility to build and maintain a pool fence is on the pool owner. Get information about regulated pool barriers. Get legal advice. Print Dividing fences are a common cause of disputes between neighbour, you may need legal advice. Print Dividing fences are a common cause of disputes between neighbour, even if the other neighbour helped pay for the fence. If you are a tenant, unless you have a long-term lease on the land, you should refer queries over a dividing fence to the property owner or agent. What is a sufficient dividing fence and 1.8 metres highis constructed mainly of 'prescribed material'. (QCAT takes into account specific factors such as the types of fences found in the neighbourhood.) To work out what makes a sufficient fence may be decided to be sufficient, but if one owner wants more, then they pay the difference. Where you do not need a dividing fenceYou do not need a dividing fence if:you and your neighbour agree you do not want oneeither property is outside the scope of the Act e.g. public land or a stock routeboth properties are classed as agricultural landthere is no owner of the land e.g. land under the Nature Conservation Act 1992 is not subject to a lease or stock grazing permit. When you build a fence, who pays? If you are going to build a fence between your neighbour's property, you should give your neighbour a letter telling them about the fence, how it will be built and the estimated cost—including their contribution. It's much better if you can resolve the problem together and stay on good terms with your neighbour. Find out more about QCAT. Find out more about QCAT. Find out more about how QCAT can help in dividing fence disputes. Basic rules for dividing fence between properties if an adjoining owner requests one—even if one or both pieces of land are empty. Usually neighbours must contribute equally to the cost of building and maintaining a dividing fence. You should not attach anything to a dividing fence that could damage it. In most cases, issues about dividing fences need to be solved by the owners of the properties. Last updated: 25 May 2018 You must get at least one quote, but as a matter of courtesy you should supply 2. If your neighbour thinks the quotes are too high, they can obtain their own quote. Each neighbour is liable for half the cost of fencing work.

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