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# Q&S CONVEYANCING UPDATE

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## NEIGHBOURHOOD DISPUTE LAWS TO BE SIMPLIFIED

With our population growing and people living closer to each other, clearer and practical ways to resolve neighbourhood disputes are needed.

The Queensland Government has introduced the *Neighbourhood Disputes Resolution Bill 2010* ("the Bill") and has been open for public consultation.

The proposed new legislation will replace the *Dividing Fences Act* which has dealt with dividing fences—the most common cause of neighbourhood dispute—for almost 60 years.

The key matters proposed in the Bill are as follows:-

### General

- That a sufficient dividing fence ought to be constructed between adjoining properties if requested;
- Clarifies that neighbours own a dividing fence on a common boundary equally;
- Trees are the responsibility of the owner of the property where the tree is located;
- Establishes a framework for resolving disputes including the use of formal notices for contributing to the costs of a dividing fence or carrying out work to a tree;
- The use of the Queensland Civil and Administrative Tribunal (QCAT) to adjudicate disputes.

### Property sales

- Sellers of property (residential and commercial) must provide potential buyers with information regarding any application to or order made by QCAT about trees and a failure to do so will give a buyer the right to terminate the contract, have the deposit refunded within 14 days and recover their costs in relation to the contract from the seller and the agent;
- QCAT will keep an electronic register of these matters to be made publicly available;
- If QCAT has made an order about trees and this is disclosed to the buyer but the seller has not carried out the work required in the order then it will become the buyer's responsibility from settlement.

If the Bill is enacted then agents should be aware of their disclosure responsibilities as described above and that insufficient disclosure could make them liable for the buyer's reasonable costs.

**Richie Muir, Solicitor,  
Quinn & Scattini Lawyers**

If you would like to ask any question about this or any other similar issue Richie may be contacted on 3821 2766 between 8.00am to 5.00pm Monday to Friday or email

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This update is for your information and interest only. It is not intended to be comprehensive, and it **does not constitute and must not be relied on as legal advice**. You must seek specific advice tailored to your circumstances.

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our team of experienced lawyers practice in Business Law, Commercial Litigation,*



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