

## Application checklist: – Minor civil dispute – dividing fences

### USING THE CHECKLIST

Before applying to QCAT about your dividing fence dispute, use the checklists below to:

- check your application is within QCAT's jurisdiction
- check you have completed and lodged your application correctly.

### BEFORE MAKING A DIVIDING FENCE APPLICATION

<p><b>1. Have you checked if dividing fence laws apply to your dispute?</b> Visit <a href="http://www.neighbourhooddisputes.qld.gov.au">www.neighbourhooddisputes.qld.gov.au</a> for more information on the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i>.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>2. Is your dispute about recovering an agreed amount of money (up to \$25,000) for fencing work?</b> For disputes about the recovery of a debt in relation to agreed or ordered contributions to fencing work, you must complete <i>Form 3 Application for Minor Civil Dispute – minor debt form</i> available from <a href="http://www.qcat.qld.gov.au">www.qcat.qld.gov.au</a></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>3. Is your dispute about a dividing fence that is part of the pool barrier for your pool or your neighbour's pool?</b> Different laws apply to dividing fences that are part of pool barriers. For information regarding pool barriers, contact the Department of Infrastructure and Planning on 07 3227 8548 or visit <a href="http://www.dlqp.qld.gov.au/pool-safety/">http://www.dlqp.qld.gov.au/pool-safety/</a>.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>4. Is the fence around a public park owned by council?</b> Fences around parks owned by council are not under QCAT's jurisdiction. Contact your local government authority (council) for more information. For specific information on whether your dispute is covered by dividing fence legislation, you may wish to seek legal advice.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p><b>5. Have you tried to resolve the dispute with your neighbour?</b> Dispute Resolution Centres offer free mediation services to assist in resolving neighbourhood disputes. For more information call 1800 017 288 or visit <a href="http://www.justice.qld.gov.au/justice-services/dispute-resolution">http://www.justice.qld.gov.au/justice-services/dispute-resolution</a></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**6. Have you sent your neighbour a Notice to contribute for fencing work?**

If you want your neighbour to contribute towards the costs of constructing, replacing or maintaining the dividing fence, your first step is to provide your neighbour with a *Form 2 Notice for contribution to fencing work* available from [www.neighbourhooddisputes.qld.gov.au](http://www.neighbourhooddisputes.qld.gov.au).

Yes  
 No

**7. What are the possible costs involved in making an application to QCAT?**

You will need to pay an application fee. Information on fees can be located on the tribunal's website. You may have some costs in obtaining evidence such as an expert's report, or in attending a hearing. These costs are generally not recoverable, even if your application is successful. You will only be asked to pay the costs incurred by your neighbour in special circumstances.

Yes  
 No

**8. Have you considered the possible outcomes of making an application to QCAT?**

Possible outcomes from an application include:

- the matter may go to a hearing where you may or may not be successful
- orders made by the tribunal are enforceable.

Yes  
 No

**LOGGING YOUR APPLICATION FOR MINOR CIVIL DISPUTE – DIVIDING FENCES**

**9. Are you using the correct application form?**

Complete the *Form 53 Application for minor civil dispute – dividing fences – Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 and Building Act 1975* form available from [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au).

This form also applies if your application is about a dividing fence that is part of a pool barrier.

For disputes about the recovery of a debt in relation to agreed or ordered contributions to fencing work, you must complete a *Form 3 Application for Minor Civil Dispute – minor debt form* available from [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au)

Yes  
 No

**10. Are you ready to proceed with the application? Have you:**

- answered all applicable questions
- provided all pages of the application form
- aware of the application fee, based on the amount of your claim
- signed and dated the application
- provided your own details including name, address and whether you are the owner or occupier
- provided full details of the person you are making an application against (the respondent) including name, address and whether they are the owner or occupier
- attached all relevant material
- provided QCAT with the correct number of copies (see your application form for more information)?

If you have not completed your form correctly, your application may not be accepted.

Yes  
 No

**11. Do you know where to lodge your application to QCAT?**

By post: QCAT, GPO Box 1639, Brisbane QLD 4001  
or your local Magistrates Court (excluding Brisbane)

In person: Brisbane: QCAT, Level 9, 259 Queen Street, Brisbane

In person: outside of Brisbane: Your nearest Magistrates Court

Yes  
 No