

Overhanging branches and debt disputes

QCAT can make decisions on recovering a debt from a neighbour for minor overhanging branch removal.

Overhanging branches

You can provide your neighbour with a Department of Justice and Attorney-General Form 3 – Notice for removal of particular overhanging branches. The notice gives neighbours 30 days to respond or rectify the problem. For more information on obtaining and using a notice visit qld.gov.au/law/housing-and-neighbours/disputes-about-fences-trees-and-buildings/.

If the neighbour does not act upon the notice, you may fix the branches yourself and seek up to \$300 towards the cost of cutting and removing overhanging branches.

Avoiding and resolving a dispute

Resolving a dispute directly with your neighbour will be quicker and cheaper than taking legal action. If you can reach an agreement, put it in writing, sign it and keep a copy.

If you cannot reach an agreement, you can contact a [Dispute Resolution Centre](#) for free advice on mediation.

Applying to QCAT to recover the debt

You can start a minor debt application (QCAT Form 3) and pay online at qld.gov.au/minordebttapplication.

Avoiding tree disputes

Some tree disputes can be avoided through appropriate tree selection, care and maintenance. For more information contact the Queensland Arborist Association at qaa.net.au.

Legal advice

As part of an independent tribunal, QCAT registry staff cannot provide legal advice. To obtain legal advice contact:

- Caxton Legal Centre at caxton.org.au or phone 07 3214 6333
- your local community legal centre. To find a local centre, contact Community Legal Centres Queensland at communitylegalqld.org.au or phone 07 3392 0092
- a private solicitor. Contact Queensland Law Society at qls.com.au/For_the_community/Find_a_solicitor or phone 1300 367 757.

This fact sheet provides general information and should not be considered legal advice. If you are unsure about your legal rights, you should seek independent legal assistance. Your individual circumstances should determine any actions taken to resolve your dispute.

Contact information

Queensland Civil and Administrative Tribunal (QCAT)

Brisbane

Address: Level 9, 259 Queen Street, Brisbane, Qld, 4000

Post: GPO Box 1639, Brisbane, Qld, 4001

Phone: 1300 753 228

Email: enquiries@qcat.qld.gov.au

Outside of Brisbane

To find your nearest Magistrates Court, visit courts.qld.gov.au or search 'Justice and Attorney-General' in the phone book.

Dispute Resolution Centres

07 3239 6269 or 1800 017 288 (toll free outside of Brisbane) or qld.gov.au/law/legal-mediation-and-justice-of-the-peace/setting-disputes-out-of-court/dispute-resolution-centres/

Local government authorities (councils)

Details of your local government authority can be found at dlgp.qld.gov.au/local-government-directory, on your rates notice and in your local phone directory.

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