

DIVIDING FENCES ACT, REVIEW

Mr BARRON-SULLIVAN to the Minister for Local Government:

I refer to the issue of dividing fences, and specifically the determination of specifications and the apportionment of costs between neighbours. What process is in place to review the Dividing Fences Act?

Mr OMODEI replied:

The Dividing Fences Act 1961 is in need of review. The dividing fence issue generates about 600 calls a month to the Department of Local Government, and I suspect that the number could increase. The department has produced an issues paper for the review of the Act. At the same time, it has issued a brochure explaining to householders their rights and responsibilities under the Act. The brochure is available from local governments, building and real estate peak bodies and community advice groups, such as the Citizens Advice Bureau of WA and the Aboriginal Legal Service. It spells out in simple language the procedures for dealing with neighbours when erecting or repairing a fence, and deals with strata titles, landlords and tenants, retaining walls and intrusive tree branches and roots.

The review of the Dividing Fences Act is a more comprehensive document. It deals with the background of existing law, as well as law reviews previously conducted in Western Australia and other States. The review is long overdue, and I know many members have been contacted by constituents on this issue. If any members require a copy of the brochure, I will make it available to them.