

AUSTRALIAN CAPITAL TERRITORY

No. 39 of 1981

AN ORDINANCE

Relating to dividing fences

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this twenty-first day of October 1981.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

MICHAEL HODGMAN
Minister of State for the Capital Territory

DIVIDING FENCES ORDINANCE 1981

- Short title **1. This Ordinance may be cited as the *Dividing Fences Ordinance* 1981.***
- Interpretation **2. (1) In this Ordinance, unless the contrary intention appears—**
 “basic fence” means—
 (a) in the case of a fence to be erected between parcels of land in the City Area—a basic urban fence; and
 (b) in any other case—a basic rural fence;
 “basic rural fence” and “basic urban fence” have the same meanings respectively as in the Building Manual as in force from time to time under Part II of the *Building Ordinance 1972*;
 “Court” means the Court of Petty Sessions;
 “occupier”, in relation to a parcel of land, means—
 (a) in the case of a parcel held under a lease, not being a weekly or fortnightly tenancy, from the Commonwealth—the person by whom the parcel is so held;
 (b) in the case of a parcel vested in a person for an estate in fee simple—the person in whom the parcel is so vested; and
 (c) in any other case—the Commonwealth.

- (2) Land is a parcel of land for the purposes of this Ordinance if—
- (a) the land is held by a person under a lease, not being a weekly or fortnightly tenancy, from the Commonwealth;
 - (b) the land is vested in a person for an estate in fee simple; or
 - (c) the land is a block within the meaning of the *Districts Ordinance* 1966 and there is upon the land a building, other than—
 - (i) a building used by the Australian Capital Territory Electricity Authority in the reticulation of electricity in the Territory;
 - (ii) a building at a place that is a stopping place within the meaning of the *Motor Omnibus Services Ordinance* 1955, being a building made available by the Commonwealth for use by persons waiting to make journeys on motor omnibus services provided under that Ordinance; and
 - (iii) a building consisting solely of a lavatory or lavatories to which the public have access.
- (3) Land is not a parcel of land for the purposes of this Ordinance if—
- (a) the land is a public park within the meaning of the *Public Parks Ordinance* 1928;
 - (b) the land is a reserved area within the meaning of the *Nature Conservation Ordinance* 1980; or
 - (c) the land is a sports ground.
- (4) For the purposes of this Ordinance, where a new fence is to be erected in place of an existing fence, the cost of removing the existing fence shall be taken to be part of the cost of erecting the new fence.
- (5) For the purposes of this Ordinance, the following fees shall be taken to be included in the cost of erecting a fence or erecting a new fence in place of an existing fence—
- (a) fees payable to a surveyor in connection with the ascertainment of the boundary or line along which a fence is to be erected;
 - (b) fees payable to the Building Controller in respect of an application under the *Building Ordinance* 1972 for the approval of plans or for the grant of a building permit.
- (6) A reference in this Ordinance to a form by number shall be read as a reference to the form so numbered in the Schedule.

3. The Dividing Fences Act, 1902 of the State of New South Wales shall cease to be in force in the Territory.

Dividing
Fences Act
(N.S.W.) to
cease to be
in force

Determina-
tion of
questions
regarding
erection of
fences

4. (1) Subject to this section, where—
- (a) adjoining parcels of land are not separated by a fence;
 - (b) the occupier of one of the parcels has requested the occupier of the other parcel to join in the erection of a fence between the parcels; and
 - (c) either—
 - (i) the occupier to whom that request was made has refused to comply with the request; or
 - (ii) the occupiers of the parcels are unable to agree with regard to a matter relating to the construction of the fence,

either of the occupiers may make application to the Court for a determination under section 5.

(2) For the purposes of sub-section (1), an occupier who fails to comply with a request within 14 days after the date on which the request was made shall be deemed to have refused to comply with the request.

(3) The occupier of one of 2 adjoining parcels of land is not entitled to make application under sub-section (1) until the expiration of a period of one month after the date on which he gives to the occupier of the other parcel notice in accordance with Form 1.

(4) An application under sub-section (1) shall be in writing in accordance with Form 2.

(5) The parties to an application under this section shall be the applicant and the person to whom notice has been given for the purpose of sub-section (3).

(6) Upon receipt of an application under sub-section (1) the Clerk of the Court shall—

- (a) fix a date, time and place for the determination of the application;
- (b) notify the applicant of the date, time and place so fixed; and
- (c) cause a copy of the application together with a notice in accordance with Form 8 to be served on the other party to the application at least 10 days before the date fixed for the determination of the application.

(7) This section does not apply to, or in relation to, the erection of a fence if the erection of the fence commenced before the date of commencement of this Ordinance.

Powers of
Court
regarding
erection of
fences

5. (1) Where an application has been made under section 4, the Court may conduct an inquiry into the facts and circumstances of the matter and may determine—

- (a) the nature of the fence that should be erected between the parcels of land occupied by the parties;

- (b) the line along which the fence should be erected;
- (c) the party who should be responsible for the erection of the fence;
- (d) the amount that should be contributed by the party other than the party referred to in paragraph (c) towards the cost of erecting the fence; and
- (e) the manner in which, and the time within which, an amount referred to in paragraph (d) should be paid to the party responsible for the erection of the fence.

(2) Where, on an application under section 4, a party to the application has requested the Court to determine that a basic fence should be erected between the parcels of land to which the application relates, the Court shall not determine that that party should contribute towards the cost of erecting a fence between those parcels an amount exceeding one-half of the cost of erecting a basic fence between those parcels.

(3) Sub-section (2) does not apply where the Court is satisfied—

- (a) that it is not practicable for a basic fence to be erected between the parcels of land in question; or
- (b) that there are special circumstances that require the erection of a fence of a kind other than a basic fence.

6. (1) Subject to sub-section (3), where—

- (a) adjoining parcels of land are separated by a fence;
- (b) the occupier of one of the parcels of land has requested the occupier of the other parcel to join in repairing the fence or constructing a new fence in place of the existing fence; and
- (c) either—
 - (i) the occupier to whom the request was made has refused to comply with the request; or
 - (ii) the occupiers of the parcels of land are unable to agree with regard to a matter relating to the repair or replacement of the fence,

Application to Court where occupiers unable to agree on repairs

either of the occupiers may make application to the Court for a determination under sub-section 7 (1).

(2) For the purposes of sub-section (1), an occupier who fails to comply with a request within 14 days after the date on which the request was made shall be deemed to have refused to comply with the request.

(3) The occupier of one of 2 adjoining parcels of land is not entitled to make application under sub-section (1) until the expiration of a period of one month after the date on which he gives to the occupier of the other parcel notice in accordance with Form 3.

(4) Where—

- (a) a fence erected between adjoining parcels of land has been damaged or destroyed; and

- (b) it is necessary, in order to protect persons residing in premises situated on one of the parcels or to prevent the escape of animals, that the fence be repaired or replaced, as the case may be, without delay,

the occupier of either of the parcels may, without giving notice to the occupier of the other parcel, repair or replace the fence.

(5) Subject to sub-section (6), where in pursuance of sub-section (4), an occupier of a parcel of land has repaired or replaced a fence, that occupier may make application to the Court for a determination under sub-section 7 (4).

(6) An occupier of a parcel of land is not entitled to make an application under sub-section (5) until the expiration of a period of 14 days after the date on which he requests the occupier of the adjoining parcel of land to contribute to the cost of the repair or replacement effected by the first-mentioned occupier.

(7) An application under sub-section (1) shall be in writing in accordance with Form 4.

(8) An application under sub-section (5) shall be in writing in accordance with Form 5.

(9) The parties to an application under this section shall be the applicant and the occupier to whom notice has been given under sub-section (3) or to whom, but for sub-section (4), the applicant would have been required to give notice under sub-section (3).

(10) Upon receipt of an application under sub-section (1) or (5) the Clerk of the Court shall—

- (a) fix a date, time and place for the determination of the application;
- (b) notify the applicant of the date, time and place so fixed; and
- (c) cause a copy of the application together with a notice in accordance with Form 8 to be served on the other party to the application at least 10 days before the date fixed for the determination of the application.

Powers of Court regarding repair of fences

7. (1) Where an application has been made under sub-section 6 (1), the Court shall determine whether the fence to which the application relates is **in need of repair or replacement**.

(2) Where, on an application under sub-section 6 (1), the Court determines that a fence is in need of repair or replacement, the Court may determine—

- (a) whether the party or parties other than the applicant should be required to contribute to the cost of the repair or replacement of the fence;
- (b) the nature of the repair that is required or the nature of the fence that should be erected in place of the existing fence;

- (c) the party who should be responsible for effecting the repair or replacement;
- (d) the amount that should be contributed by the party other than the party referred to in paragraph (c) towards the cost of the repair or replacement; and
- (e) the manner in which, and the time within which, an amount referred to in paragraph (d) should be paid to the party responsible for effecting the repair or replacement.

(3) For the purpose of determining the amount that should be contributed by a party referred to in paragraph (2)(d) towards the cost of repairing or replacing a fence, the Court shall adopt the principle that the cost should be borne by the parties in equal proportions unless there are circumstances that render it just that one party bear a greater proportion of the cost than the other party.

(4) On an application under sub-section 6 (5), the Court shall determine whether it is reasonable that the party to the application other than the applicant be required to contribute to the cost of the repair or replacement effected by the applicant.

(5) Where, on an application under sub-section 6 (5), the Court determines that it is reasonable that a person be required to contribute to the cost of the repair or replacement of a fence, the Court shall also determine—

- (a) the amount that should be contributed; and
- (b) the manner in which, and the time within which, that amount should be paid to the applicant.

(6) For the purpose of determining, on an application under sub-section 6 (5), the amount that should be contributed by a party to the application to the cost of repairing or replacing a fence, the Court shall adopt the principle that the cost of repairing or replacing the fence, as the case may be, should be borne by the parties to the application in equal proportions unless there are circumstances that render it just that one party bear a greater proportion of the cost than the other party.

8. (1) An occupier of a parcel of land who was a party to an application upon which a determination was made by the Court under section 5 or section 7 may make application to the Court for a variation of the determination. Variation of
determina-
tions

(2) An application under sub-section (1) shall be in writing in accordance with Form 6.

(3) The parties to an application under sub-section (1) shall be the applicant and the other party to the application on which the determination was made.

(4) Upon receipt of an application under sub-section (1) the Clerk of the Court shall—

- (a) fix a date, time and place for the determination of the application;

- (b) notify the applicant of the date, time and place so fixed; and
- (c) cause a copy of the application together with a notice in accordance with Form 8 to be served on the other party to the application at least 10 days before the date fixed for the determination of the application.

(5) Where an application has been made under sub-section (1), the Court shall, before making a decision on the application, conduct an inquiry into the facts and circumstances of the matter.

(6) On an application under sub-section (1), the Court shall not vary a determination in such a way that the determination, as varied, is a determination that could not have been made on the original application.

Costs

9. (1) Where the Court is satisfied that the making of an application for a determination, or for the variation of a determination, under this Ordinance was unreasonable, whether or not it makes the determination or variation, the Court may make an order that the applicant pay to the other party to the application such sum in respect of the costs incurred by that party in connection with the application as the Court thinks proper.

(2) Where—

- (a) the Court makes or varies a determination under this Ordinance; and
- (b) the Court is satisfied that the making of the application for the determination or for the variation of the determination, as the case may be, was occasioned by the unreasonable conduct of the party other than the applicant,

the Court may make an order that that party pay to the applicant such sum in respect of the costs incurred by the applicant in connection with the application as the Court thinks proper.

(3) An order under this section may be enforced as if it were an order for the payment of costs by a party to proceedings commenced by a complaint made under the *Court of Petty Sessions Ordinance 1930*.

Orders for
payment of
contribution

10. (1) Where—

- (a) there is in force a determination under this Ordinance requiring a person to contribute to the cost of erecting, repairing or replacing a fence; and
- (b) the time specified in the determination for the payment of that amount has expired,

the person to whom, under the determination, the amount of the contribution is to be paid may apply to the Court for an order that the person by whom the money is to be contributed pay the money to the applicant.

(2) The Court shall not make an order under sub-section (1) unless the fence has been erected, repaired or replaced, as the case may be, in accordance with the determination.

(3) An order under sub-section (1) is enforceable as if it were an order of the Court in proceedings under the *Court of Petty Sessions Ordinance 1930*, being proceedings commenced by a complaint.

11. (1) Subject to this section, where—

- (a) the occupier of a parcel of land has erected a fence between that parcel and adjoining land that is not a parcel of land for the purpose of this Ordinance; and
- (b) within 6 months after the date on which the erection of the fence commenced, the adjoining land becomes a parcel of land for the purposes of this Ordinance,

Contribution
by occupier
of previously
unleased
land

the person who occupies the first-mentioned parcel of land at the time at which the adjoining land becomes a parcel of land for the purposes of this Ordinance may make application to the Court for a determination under section 12.

(2) Where—

- (a) the occupier of a parcel of land has erected a fence between that parcel and adjoining land that is not a parcel of land for the purposes of this Ordinance; and
- (b) not earlier than 6 months after the date on which the erection of the fence commenced, the adjoining land becomes a parcel of land for the purposes of this Ordinance,

the person who occupies the first-mentioned parcel of land at the time at which the adjoining land becomes a parcel of land for the purposes of this Ordinance may make application to the Court for a determination under section 12.

(3) An application under sub-section (1) or (2) shall be in writing in accordance with Form 7.

(4) Upon receipt of an application under sub-section (1) or (2) the Clerk of the Court shall—

- (a) fix a date, time and place for the determination of the application;
- (b) notify the applicant of the date, time and place so fixed; and
- (c) cause a copy of the application together with a notice in accordance with Form 8 to be served on the other party to the application at least 10 days before the date fixed for the determination of the application.

Powers of Court regarding erection of fences on previously unleased land

12. (1) On an application under section 11, the Court shall determine whether it is reasonable that the party to the application other than the applicant be required to contribute to the cost of the erection of the fence by the applicant.

(2) Where, on an application under section 11, the Court determines that it is reasonable that a person be required to contribute to the cost of the erection of a fence, the Court shall also determine—

- (a) the amount that should be contributed; and
- (b) the manner in which, and the time within which that amount should be paid to the applicant.

(3) For the purposes of determining the amount that should be contributed under paragraph (2) (a) the Court shall adopt the principle that—

- (a) in the case of an application under sub-section 11 (1), the amount should be an amount equal to one-half of the cost of erecting the fence referred to in paragraph 11 (1) (a) or an amount equal to one-half of the amount that would have represented the cost of erecting that fence if that fence had been a basic fence, whichever is the less; and
- (b) in the case of an application under sub-section 11 (2), the amount should be a reasonable amount but, in any event, the amount should not exceed one-half of the cost of erecting the fence or one-half of the amount that would have represented the cost of erecting the fence if the fence had been a basic fence, whichever is the less.

Procedure at inquiry

13. (1) The procedure at an inquiry under this Ordinance is within the discretion of the Court.

(2) At an inquiry under this Ordinance, the Court shall give each of the parties an opportunity of being heard.

(3) Where a party to an application fails to appear on the date, and at the time and place, fixed for the hearing of the application, the Court, if it is satisfied that notice of that date, time and place was served on the party, may proceed in the absence of that party.

Representation of parties

14. A party to an application under this Ordinance is entitled to be represented by a barrister and solicitor or by an agent appointed for the purpose.

Applications may be heard together

15. (1) Where the same person is a party to 2 or more applications to the Court under the same section of this Ordinance, the Court may, if it is satisfied that the circumstances so warrant, direct that the applications be dealt with together.

(2) Where a direction is given under sub-section (1), the Court shall conduct one inquiry in respect of all of the applications to which the direction relates.

- 16.** In conducting an inquiry under this Ordinance, the Court is not bound by the rules of evidence. Court not bound by rules of evidence
- 17.** The Court may, at any time, adjourn an inquiry under this Ordinance for such period as it thinks fit. Adjournment of inquiries
- 18.** (1) A document that is required by this Ordinance to be served on the occupier of a parcel of land may be served— Service of documents
- (a) where the occupier is the Commonwealth—by sending the notice by post to the Secretary to the Department of the Capital Territory; and
 - (b) in any other case—by sending the document by post addressed to the occupier at his address last-known to the person sending the document or at the parcel of land.
- (2) Where two or more persons are the occupiers of a parcel of land, a document that has been served on one of those persons shall be deemed to have been served on both or all of those persons, as the case may be.
- (3) Service of a document required by this Ordinance may be proved by the oath of the person who served it or by affidavit or otherwise.
- 19.** (1) In this section, “order” means— Apportionment of liability of joint lessees
- (a) a determination made under section 5, 7 or 12; or
 - (b) an order made under section 10.
- (2) Where two or more persons occupy a parcel of land as joint tenants, tenants in common or joint lessees and an order requires those persons to make a payment—
- (a) those persons are jointly and severally liable for the payment of the amount payable under the order;
 - (b) as between themselves, the liability to pay the amount shall, in the absence of agreement to the contrary, be borne in equal proportions; and
 - (c) one of those persons who pays more than his proportionate amount may recover the excess as a debt due by the other person or persons.
- 20.** (1) Where— Ex parte orders may be set aside
- (a) an order has been made in the absence of a person; and
 - (b) the order requires that person to make a payment.
- the Court may, on application by that person, set aside the order on such terms as the Court thinks just.
- (2) Where an order is set aside, the Court shall fix a date for the further hearing of the application in which the order was made and shall direct that notice of the setting aside of the order and of the date so fixed be given to such persons as the Court thinks fit to specify.

(3) In this section, "order" has the same meaning as in section 19.

Other
Ordinances
not affected

21. Nothing in this Ordinance affects the operation of—

- (a) section 11 of the *Careless Use of Fire Ordinance* 1936;
or
(b) the *Rabbit Destruction Ordinance* 1919.

Directions
regarding
entry by
tradesmen
upon land

22. (1) Where the Court makes a determination under this Ordinance in relation to the erection, repair or replacement of a fence, the Court may, by its determination, give such directions as it thinks necessary in relation to the entry of persons upon land in connection with the erection, repair or replacement of the fence.

(2) The Court shall not give directions under this section in relation to the entry of persons upon land other than land—

- (a) occupied by a party to the application; or
(b) occupied by a sub-lessee, tenant, licensee or other person in possession from a party to the application,

on which the directions were given.

(3) Where a person has been given a direction under this section he may, at all reasonable times, enter upon land in accordance with that direction for the purpose of undertaking such work as may be necessary for the erection, repair or replacement of a fence specified in that direction.

SCHEDULE

FORM 1

Sub-section 4 (3)

Dividing Fences Ordinance 1981

To (name and address)

You are hereby invited to discuss the erection of, and payment for, the fencing of the boundary between the land occupied by you at (address) and the adjoining land situated at (address) with a view to reaching agreement on those matters.

2. If an agreement cannot be reached within one month from the date of receipt of this notice an application will be made to the Court of Petty Sessions for a determination under section 5 of the *Dividing Fences Ordinance* 1981 in relation to the fencing of the boundary between the parcels of land referred to above.

Dated , 19

(Signature and address)

FORM 2

Sub-section 4 (4)

Dividing Fences Ordinance 1981

In the Court of Petty Sessions,
Canberra.

(Name of applicant)
Applicant

(Name of respondent)
Respondent

Application under sub-section 4 (1) of the *Dividing Fences Ordinance* 1981

Application is made by (full name), of (address), for a determination under section 5 of the *Dividing Fences Ordinance* 1981.

2. The respondent to this application is (full name), of (address).

SCHEDULE—*continued*

3. The applicant is the occupier of land situated at (address) being block section , Division of

4. The respondent is the occupier of land situated at (address), being block section , Division of

5. There is no fence separating the respondent's land from the land occupied by the applicant.

6. The fence proposed would consist of (*here insert details*).

* 7. The fence proposed would follow the boundary of the land occupied by the applicant.

• *Strike out whichever is inappropriate*

* 7. The fence proposed would not be constructed along the boundary of the land occupied by the applicant but along a line as follows:

8. The cost of the proposed fence would be \$

9. The applicant, on , 19 , gave to the respondent a notice in writing with a view to settling the matter by agreement.

† 10. The respondent has refused to join in the construction of a fence between the respondent's land and the land occupied by the applicant.

† *Strike out whichever is inappropriate*

† 10. The applicant and respondent have not been able to agree upon the following matters:

Dated , 19

(Signature of applicant or his representative)

‡ The applicant is represented by (name and address of representative).

‡ *Strike out if inappropriate*

FORM 3

Sub-section 6 (3)

Dividing Fences Ordinance 1981

To (name and address)

You are hereby invited to discuss the repair (*or replacement*) of the fence between the land occupied by you at (address) and the adjoining land situated at (address) with a view to reaching agreement concerning that work and contribution to the cost of it.

2. If agreement cannot be reached within one month from the date of receipt of this notice an application will be made to the Court of Petty Sessions for a determination under sub-section 7 (1) of the *Dividing Fences Ordinance 1981* in relation to the repair (*or replacement*) of the fence between the parcels of land referred to above.

Dated , 19

(Signature and address)

FORM 4

Sub-section 6 (7)

Dividing Fences Ordinance 1981

In the Court of Petty Sessions, Canberra.

(Name of applicant)
Applicant

(Name of respondent)
Respondent

Application under sub-section 6 (1) of the *Dividing Fences Ordinance 1981*

Application is made by (full name), of (address), for a determination under sub-section 7 (1) of the *Dividing Fences Ordinance 1981*.

2. The respondent to this application is (full name) of (address).

3. The applicant is the occupier of land situated at (address), being block section , Division of

4. The respondent occupies adjoining land, being block , section , Division of

5. It is proposed that the fence separating the respondent's land from that occupied by the applicant be repaired (*or replaced*). Particulars of the proposed repair (*or of the fence proposed in place of the existing fence*) are as follows:

6. The proposed repairs (*or replacement*) would cost \$. It is proposed that the respondent contribute \$

7. The applicant, on , 19 , gave to the respondent a notice in writing with a view to settling the matter by agreement.

SCHEDULE—continued

* *Strike out
whichever is
inappropriate*

*8. The respondent has refused to join in any repair or replacement of the fence.
*8. The applicant and respondent have not been able to agree upon the following matters:

Dated , 19 .

(Signature of applicant
or his representative)

† *Strike out if
inappropriate*

† The applicant is represented by (name and address of representative).

FORM 5

Sub-section 6 (8)

Dividing Fences Ordinance 1981

In the Court of Petty Sessions,
Canberra.

(Name of applicant)
Applicant
(Name of respondent)
Respondent

Application under sub-section 6 (5) of the *Dividing Fences Ordinance* 1981.

Application is made by (full name), of (address), for a determination under sub-section 7 (4) of the *Dividing Fences Ordinance* 1981.

2. The respondent to this application is (full name) of (address).

3. The applicant is the occupier of land situated at (address), being block section , Division of

4. The respondent occupies adjoining land, being block section , Division of

5. The fence separating the land of the respondent from that of the applicant was, on 19 , damaged (or destroyed) as a result of

*6. It was necessary that the fence be repaired (or replaced) without delay in order to protect persons residing on the land of the applicant (or the respondent).

* *Strike out
whichever is
inappropriate*

*6. It was necessary that the fence be repaired (or replaced) without delay in order to prevent the escape of animals from the land of the applicant (or the respondent).

7. The applicant repaired (or replaced) the fence at a cost of \$.

8. The applicant, on 19 , gave to the respondent a notice in writing requesting the respondent to contribute to the cost of the repair (or replacement) of the fence.

Dated , 19 .

(Signature of applicant
or his representative)

† *Strike out if
inappropriate*

† The applicant is represented by (name and address of representative).

FORM 6

Sub-section 8 (2)

Dividing Fences Ordinance 1981

In the Court of Petty Sessions,
Canberra.

(Name of applicant)
Applicant
(Name of respondent)
Respondent

Application for Variation of Determination

Application is made by (full name), of (address), for a variation of the determination made by the Court on 19 and relating to the erection (or repair) of a fence between blocks and section , Division of

2. Particulars of the variation sought are as follows:

Dated , 19 .

(Signature of applicant
or representative)

* *Strike out if
inappropriate*

* The applicant is represented by (name and address of representative).

SCHEDULE—continued

FORM 7

Section 11

Dividing Fences Ordinance 1981

In the Court of Petty Sessions,
Canberra.

(Name of applicant)

Applicant

(Name of respondent)

Respondent

Application under section 11 of the *Dividing Fences Ordinance* 1981.

Application is made by (full name), of (address), for a determination under section 12 of the *Dividing Fences Ordinance* 1981.

2. The respondent to this application is (full name) of (address).

3. The applicant is the occupier of land situated at (address), being block section , Division of

*4. The respondent occupied adjoining land, being block section , Division of within 6 months after the date on which the applicant commenced the erection of a fence on the land specified in clause 3.

*4. The respondent occupied adjoining land being block section , Division of no earlier than 6 months after the date on which the applicant commenced the erection of a fence on the land specified in clause 3.

*Strike out whichever is inappropriate

5. The parcel of land specified in clause 4 is a parcel of land for the purposes of the Ordinance.

*6. The fence erected was a basic fence which cost \$

*6. The fence erected was not a basic fence and cost \$. The estimated cost of a basic fence would have been \$

*Strike out whichever is inappropriate

7. It is proposed that the respondent contribute \$

*8. The respondent has refused to contribute to the erection of the fence.

*8. The applicant and the respondent have not been able to agree upon the following matters:

*Strike out whichever is inappropriate

Dated

, 19

(Signature of applicant
or his representative)

† The applicant is represented by (name and address of representative).

†Strike out if inappropriate

FORM 8

Dividing Fences Ordinance 1981

Sections 4, 6, 8 and 11

In the Court of Petty Sessions,
Canberra.

(Name of applicant)

Applicant

(Name of respondent)

Respondent

Notice to respondent

To (name and address of respondent).

TAKE NOTICE that (name of applicant) has made an application to the Court of Petty Sessions at Canberra in pursuance of the *Dividing Fences Ordinance* 1981. You are a party referred to in the application, a copy of which is attached.

2. The application will be heard before a Magistrate at on the day of , 19 , at o'clock in the noon.

3. You may attend personally or be represented at the hearing of the application, if you desire. If you fail to attend or fail to enter an appearance an order may be made against you without further notice.

4. Should you require any information regarding the application or the procedure to be followed, you are invited to contact the Court office (telephone number).

Dated this

day of

, 19

Clerk of the Court
of Petty Sessions