

Tara Cheyne MLA

Minister for the Arts, Culture and the Creative Economy
Minister for City Services
Minister for Government Services and Regulatory Reform
Minister for Human Rights

Member for Ginninderra

RESPONSE TO QUESTION ON NOTICE

Questions on Notice Paper No 39

9 February 2024

Question No. 1584

MS LAWDER: To ask the Minister for City Services —

- (1) In relation to fences adjacent to unleased Territory land, what is the Government's policy regarding upgrades to fencing due to (a) the fence being in state of disrepair, (b) a need to improve safety and (c) a preference by the landowner for a new fence.
- (2) What financial support is available to (a) assist landowner repair or to replace fences and (b) remove graffiti.
- (3) Does the ACT Government have guidelines, in plain English, regarding the rules for front fences.

Tara Cheyne MLA – The answer to the Member's questions are as follows:

- (1) Private fences adjoining leased land in the Territory are regulated under the *Common Boundaries Act 1981* (the Act). Under the Act, the maintenance and/or repair of a boundary fence is a shared responsibility between the occupiers of the adjoining parcels of leased land. Generally, public unleased land including public parks, land reserves, or sports grounds are not parcels of land. Hence, generally, where a private lease adjoins public unleased land, it is solely the leaseholders responsibility to maintain and/or repair the fence. Where there is a dispute between occupiers of the adjoining parcels of leased land, under the Act, the ACT Civil and Administrative Tribunal has the power to rule on the matter.

(a) and (b) and (c) The ACT Government does not contribute to the cost of building or maintaining fences between leased blocks and public land. The private leaseholder is responsible to pay for, build and maintain their fences. All front fences including fences to open space are built and maintained at the cost of the leaseholder.

- (2) (a) Nil

(b) Unauthorised graffiti or defacing a premises is a criminal offence under the *Crimes Act 1900*, or a damaging property offence regulated under the *Criminal Code 2002*, both enforced by ACT policing. Although TCCS Place Management staff remove graffiti from public places, residents are responsible for removing graffiti from their own property, even if it faces public land. There is currently no financial assistance available for the removal of graffiti from private fences.

- (3) Information about general fencing requirements is available via the Territory Planning Authority's website which explains, in plain English, the rules for maintaining, building, and repairing fences in the ACT. It can be accessed at www.planning.act.gov.au/applications-and-assessments/assessment-approvals/fences.

Approved for circulation to the Member and incorporation into Hansard.



Tara Cheyne MLA
Minister for City Services

Date:.....1/5/24.....

This response required 1hr 35mins to complete, at an approximate cost of \$140.00.