



Speech by


**Mark Ryan**

**MEMBER FOR MORAYFIELD**


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## **NEIGHBOURHOOD DISPUTES RESOLUTION BILL**

 **Mr RYAN** (Morayfield—ALP) (2.49 pm): I rise to make a short contribution to the debate on the Neighbourhood Disputes Resolution Bill 2010. Indeed, it is a great honour to follow the member for Murrumba, who has made a very insightful and intelligible contribution to the debate. In today's times, something as simple as an overhanging tree branch or a fence can lead to a major dispute that could last for a period of days but may last for a number of years or an entire lifetime. When we think about the type of community that we want to live in, we want it to be one where people can get along together and where disputes can be resolved, rather than one where something as small as an overhanging tree branch can lead to a lifelong dispute. That is why this bill is so important. The Neighbourhood Disputes Resolution Bill addresses a number of concerns that all of our constituents have when it comes to neighbourhood disputes. It shows that this government is still a reforming government. It shows that this government is still focused on new ideas, making things better for our communities and dealing with the issues that affect people's day-to-day lives in a positive light.

When I was first elected to this parliament in 2009, I was approached by two gentlemen, Mr Bert Krause and Mr Allan Wilson. They spoke about the difficulties they were experiencing under the current law relating to nuisance trees. They had both specific and general experiences with nuisance trees. Unfortunately, the law as it stood then and still stands today, until this bill is passed by the parliament, in respect of nuisance trees does not support amicable resolution to disputes between neighbours. In my view, by its very nature the common law, in respect of nuisance trees, is impersonal and provocative. The common law provides a self-help approach to dealing with nuisance trees and was specifically limited to overhanging branches. As members of this House would be aware, the common law provides that a neighbour can remove an overhanging branch in certain circumstances.

 **Mr RYAN** (Morayfield—ALP) (7.31 pm), continuing: As I was saying earlier today—very briefly—I rise to contribute to the debate on the Neighbourhood Disputes Resolution Bill 2010. As I was saying, there are a number of circumstances under the current common law in which a neighbour can cut an overhanging branch; however, there is limited scope to those particular circumstances. As members may be aware, common law provides that a neighbour can remove an overhanging branch so long as the removed branch is returned to the tree owner and the neighbour does not trespass on the tree owner's property.

As I was using as an example earlier, in my view the common law approach by its very nature is very confrontational. It is, by its very nature, a tool which may give rise to a dispute itself rather than resolve the dispute. In many cases, it is used to exacerbate existing disputes between neighbours rather than doing anything to resolve it. It is to some extent sad to acknowledge that a dispute about a nuisance tree—something so simple as an overhanging tree branch—can lead to a lifetime of disagreement, conflict and anxiety between neighbours. It is certainly something that I have seen in my office when people from the Morayfield state electorate have come in to discuss particular instances of an overhanging branch or a tree root that has encroached onto their property. To some extent it is disappointing that something as simple as a tree branch or a tree root can lead to significant disagreement between two neighbours.

That is why I am particularly pleased that this reforming state government will be modernising our laws in respect of nuisance trees and dividing fences and is introducing an affordable, simple, objective and independent resolution process. This willingness by this government to reform the laws relating to nuisance trees, laws which are hundreds of years old, and laws relating to dividing fences, laws which are some 60 years old, proves that this state government is a government that has not run out of ideas. It is a reforming government and it is a government focused on providing appropriate frameworks for our constituents to live in neighbourly, safe and empowered communities.

The new laws will modernise and simplify the law as it relates to dividing fences and nuisance trees and will allow neighbours to get on with the job of living in a neighbourly community. Broadly, the new laws will encourage conversation between neighbours by introducing two new standard notice forms, one for trees and one for fences. These laws will also encourage resolution of these disputes by creating certainty around responsibilities and rights and will also encourage finality of disputes by providing access to a cheap, simple, objective and independent resolution process through the Queensland Civil and Administrative Tribunal.

As distinct from the current law, the current common law and the current law under the Dividing Fences Act, these new laws by their very nature are resolution focused. They encourage communication between neighbours and they encourage finality of disputes. These new laws will be welcomed by the people of the Morayfield state electorate and Queenslanders generally. Many members of the Neighbourhood Watch groups in the Morayfield state electorate with whom I spoke and consulted about this particular legislation have provided positive feedback directly to me. They are encouraged by these good laws and they are responsive to the approach taken by this good, reforming government. These new laws will make a big difference in people's lives. They will help make our communities more neighbourly to live in.

I would like to take this opportunity to commend the former Attorney-General, the current Attorney-General and his staff and, of course, the departmental staff for their hard work in respect of this bill. This is good legislation and I encourage all members of this House to support it.