



Government of **Western Australia**  
Department of **Communities**  
**Housing**

**GOVERNMENT REGIONAL OFFICERS'  
HOUSING (GROH)**

**Fencing  
Policy and Guidelines**

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# GROH Serviced Units Policy and Guidelines

## Purpose

This Policy and Guidelines (Policy) outlines the situation for the fencing provided in Government Regional Officers' Housing (GROH) dwellings and confirms who is responsible for maintaining and paying fencing costs for these dwellings.

## Scope

This Policy applies to all owned and leased dwellings, including those that are occupied, vacant, allocated and unallocated to GROH clients. It is for use by Department of Communities employees, GROH clients, GROH tenants and the general public.

## Definitions

**Client Agency** means either:

- an Employing Agency, which is a Department under the administration of a Minister of the Crown in the Government of the State, or any Crown instrumentality, hospital, board, body corporate or other body of whatever description, proclaimed as a Department under s.7 of the *Government Employees' Housing Act 1964* (GEH ACT); or
- a Responsible Agency, which is the agency responsible for arranging the salary and other entitlements (including accommodation) of the tenant when this tenant is not an employee of an Agency.

**Communities** means the Department of Communities.

**Dividing fence** means fencing that runs along the rear and side boundary lines of a property.

**GROH** means the Government Regional Officers' Housing Program administered by the Department of Communities – Housing.

**GROH client** means either:

- a client agency; or
- any other client serviced by GROH (**other GROH client**).

**GROH dwelling** means a house as defined in s.5 of the GEH Act, which is owned, leased or constructed by Housing and allocated for use by GROH.

**Housing** means the Housing Authority operating within the Department of Communities.

**Leased dwelling** means a GROH dwelling that is leased from the private rental market by Housing.

**Officer** means an employee of Communities.

**Other GROH client** includes other worker housing programs, e.g. Non-Government Organisations, non-proclaimed state government Agencies, other housing programs or private tenants.

**Owned dwelling** means a GROH dwelling that is owned by Housing.

**Return Fence** means optional boundary fencing that runs from the building line of the house to the front boundary of the property.

**Serviced unit** means any unit of accommodation that is part of a multiple-dwelling development and that may share common water, electricity and/or gas meters and facilities such as driveways, carports, washing lines and gardens.

**Sufficient Fence** means one which complies with the standard specified by the Local Authority by-law or which appropriates to the general standard of the area.

**Wing fence** means fencing that runs perpendicular between the side of the dwelling and the boundary fence. Used to guard access to the rear of the house.

## Policy Statements

### 1. Requirements Under the Dividing Fences Act 1961

#### 1.1. Policy

- 1.1.1. Housing will comply with the *Dividing Fences Act 1961 (DF ACT)*.
- 1.1.2. As an agent for the Crown, Housing may seek an exemption from the Act. However, generally Housing does not seek to exercise this right of exemption.
- 1.1.3. Housing exercises a right of exemption where Housing has vacant land.
- 1.1.4. One month's notice is required to be provided by an owner to an adjoining owner, of intent to re-erect, re-align or repair a dividing fence.
- 1.1.5. An adjoining owner must advise that they are in dispute with the intention to re-erect, re-align or repair a fence within one month of receiving the notice.
- 1.1.6. Any dispute between two adjoining owners, including a refusal to come to an agreement, concerning a proposal by one to re-erect, re-align or repair a dividing fence, may be taken by the owner wishing to undertake the work, to the Magistrates Court for a ruling.
- 1.1.7. Any decision to take legal action regarding fencing of a GROH dwelling must be made by the Director Housing Programs or the Housing Regional Manager.
  - a) Where an owner believes a common boundary line to be incorrect and is in dispute with the adjoining owner, a surveyor will be employed to define the boundary line. The owner must give one month's notice to the adjoining owner of intent to employ a surveyor.
  - b) Where the true boundary line is found to be on a new line, the owner is entitled to seek half the cost of survey from the adjoining owner.
  - c) Where the true boundary line is found to be the existing boundary line, then the owner initiating the survey will pay the full cost of the survey.

### 2. A Sufficient Fence

#### 2.1. Policy

- 2.1.1. Housing will build a sufficient fence when constructing or repairing a dividing fence.
- 2.1.2. An owner cannot require an adjoining owner to meet half cost fencing above the minimum acceptable standard for the area, unless agreement has been reached beforehand.
- 2.1.3. Housing will ensure that new construction and renewed fencing will be made of material and to a height acceptable to the area and local by-laws.

### 3. GROH Tenants

#### 3.1. Policy

3.1.1. GROH tenants are exempt from contributing to the cost of construction and repair of a dividing fence where a fence is renewed or repaired due to fair wear and tear.

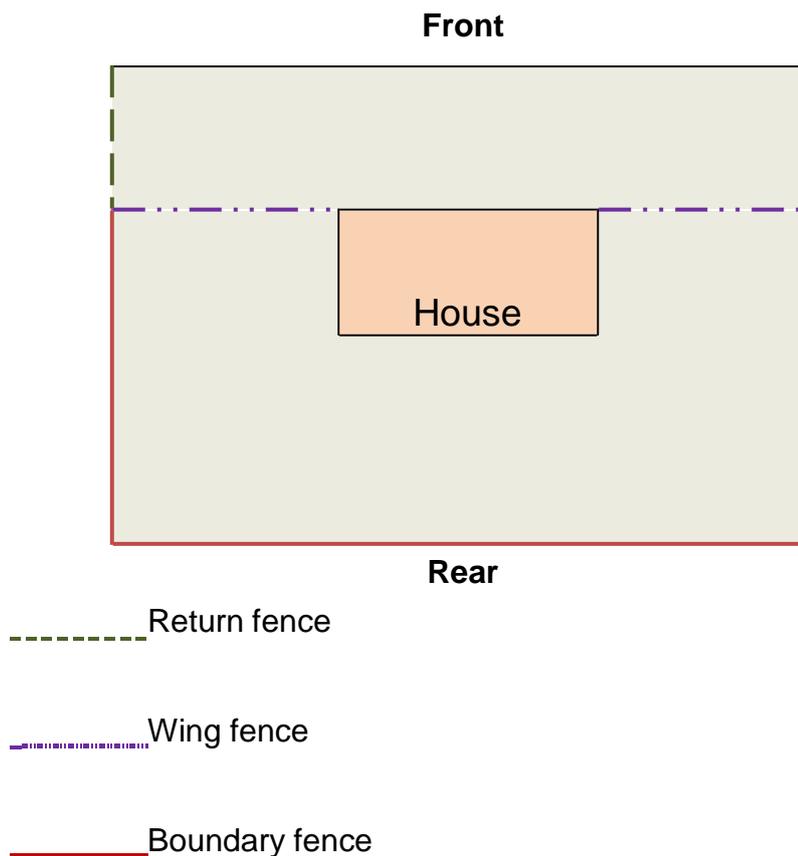
3.1.2. Where it can be proved that the tenant has willfully damaged the fence then tenant liability may be charged.

### 4. Front, Return and Wing Fencing

#### 4.1. Policy

4.1.1. Front and return fences may be supplied upon request to a property subject to budget allocation, private owner approval and relevant local by-laws.

4.1.2. Wing fencing including a pedestrian gate or else double gates where appropriate, is provided to GROH Dwellings, unless a front or other fence is provided that encloses the yard/house.



## **5. Payment of Half Cost by Private Owners**

### **5.1. Policy**

5.1.1. Private owners are expected to repay their proportion of the cost of a dividing fence as is required under the DF Act.

### **5.2. Guidelines**

5.2.1. Housing Officers should advise the private owners that Housing will cover the "Administration costs", (measuring and quotes). Work will not proceed until the private owner accepts the price, or Housing receives the private owner's half share payment.

5.2.2. Those refusing to come to an agreement, where Housing considers that a fence must be erected, re-aligned or repaired, will be summoned to the Magistrates Court for a ruling to be obtained.

5.2.3. Local authorities and statutory authorities seeking to upgrade fencing are treated in the same manner as adjoining private owners.

## **6. Vacant Land**

### **6.1. Policy**

6.1.1. Housing does not make claim for half cost fencing adjoining a private owner until a property is built on the land.

## **7. Repairs to Fencing**

### **7.1. Policy**

7.1.1. Housing will carry out repairs to boundary, wing and front fencing.

7.1.2. Where a GROH tenant has caused damage to a fence on a leased dwelling, tenant liability will be charged with no cost to the private owner.

## Document History

VERSION	DATE	REASON	POLICY AUTHORS	OFFICER'S TITLE	DATE LOADED ON INTERNET
1.1	September 2001	Policy reformatted	Andrew Smith	Policy and Projects Officer	N/A
1.2	May 2002	Policy reformatted to reflect changes in the Department of Housing	Lisbet Schäfers	Projects and Policy Officer	
1.3	August 2006	Policy amended to reflect the change to the Government Employees' Housing Authority by the Machinery of Government (Miscellaneous Amendments) Act 2006	Lisbet Schäfers	Projects and Policy Officer	N/A
1.4	October 2009	Policy reformatted	Danielle Faulkner	Coordinator Policy and Projects	N/A
2.0	March 2018	Policy revised and reformatted to reflect change to Department of Communities	Brett Hockley	A/Senior Policy and Practice Officer	10 July 2018

## Authorisation

VERSION	AUTHORISED BY	APPROVAL DATE	EFFECTIVE DATE	SECTIONS MODIFIED (IF APPLICABLE)
2.0	Director Housing Programs	6 July 2018	10 July 2018	

## Summary Information

<b>Responsible Officer</b>	Director Housing Programs
<b>Contact Officer</b>	Senior Policy and Program Officer, Housing Programs
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<b>Document Control</b>	This document is published on the Communities website, <a href="http://www.housing.wa.gov.au">www.housing.wa.gov.au</a> , under the 'Housing', 'GROH Agencies' section of the 'Investors & Partners' menu.
<b>Associated Documents</b>	<ul style="list-style-type: none"> <li>• <i>Government Employees' Housing Act 1964</i></li> <li>• <i>Residential Tenancies Act 1987</i></li> <li>• <i>Residential Tenancies Act Regulations 1989</i></li> <li>• <i>Dividing Fences Act 1961</i></li> <li>• Housing Authority Maintenance Policy Manual</li> </ul>