

Destruction of Fence Caused by Bushfire

If your fence was destroyed or damaged because of a bushfire, you and your neighbour may be able to make a claim against the person who caused the bushfire. However, if you do not know who started the bushfire, then you and your neighbour may have to undertake the rectification works yourselves. When undertaking fencing works, you should speak with your neighbour and come to an agreement, aiming to agree on the following:



- 1 the need to repair or replace the fence;
- 2 the type of fence you wish to have, including details like height, material and colour;
- 3 the budget for repairing the fence;
- 4 the amount each of you will pay;
- 5 the contractor or company you should use to repair or replace the fence;
- 6 when the fence should be repaired or replaced;
- 7 who will be responsible for organising the replacement or repairs;
- 8 the placement of the rails and framing; and
- 9 the location of the fence.

Agreement Reached

You should record your agreement to the above points in writing. The agreement should be signed and dated by both you and your neighbour. You should also obtain quotes from several contractors for replacing or repairing the fence. The agreement should state which quote you both agree upon.

Agreement Cannot be Reached

If you and your neighbour cannot agree on an issue related to the fence's repair or replacement, please contact us for advice.

My Fencing and or Fire Control Lines were Destroyed or Damaged due to Firefighting Efforts. Who Pays for the Repairs?

If the fire started on public or Crown Land, the Victorian Government will assist you with the following:

- the rehabilitation of fire control lines; and
- the cost of restoring fences on private land damaged by machinery or cut to allow access.

If the fire started on private land that was under the control of the CFA, the Victorian Government will provide limited assistance:

- for the rehabilitation of the fire control lines; and
- with repairing fences damaged by machinery.

For further information on Fencing Laws, please refer to our article "[Fencing laws in Victoria](#)" or contact us at property@ballaratlawyers.com.au or on **5303 0281**.

For more information on our conveyancing arm, click [here](#).

The information on this website is general only. It is not legal advice, nor is it intended to be. You should consult a lawyer for individual advice about your particular circumstances.

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