

Legislative Council

Hansard

Wednesday 19 August 2026

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt...]

QUESTIONS

Partition Act 1869 - Subdividing Land Concerns

Ms WEBB question to MINISTER for PARKS and HERITAGE, Mr DUIGAN

[2.33 p.m.]

Minister, can you confirm concerns have been raised with you regarding aspects of the Partition Act 1869, which creates the distressing situation where a minority co-owner can apply for jointly owned land to be subdivided or sold despite the objections held by the majority owner?

Further, are you aware of a recent statement made by TasFarmers, the peak body for the state's farming community, adding their voice for a review of the Partition Act 1869 due to the inherent inequities and incompatibility of the act's provisions with modern property ownership and farm succession arrangements? Instead of forcing people into expensive and distressing Supreme Court processes to try to ensure their homes and farms are not sold out from under them surely, it's time for a review of the act as Victoria and Queensland have apparently done.

Minister, when was the *Partition Act 1869* last subjected to a formal parliamentary review, and would you now undertake to consider seeking to have the Partition Act 1869 shunted up the priority list for the government's legislative review agenda in the interest of ensuring we have laws that balance the rights of co-owners and reflect a modern property ownership arrangement? If not, why not?

ANSWER

Thank you, Mr President. I am certainly aware of the *Partition Act 1869* and have had as a number of members will have had, an approach from a particular constituent who is somewhat affected by the application of the *Partition Act 1869*. I note that the application of the *Partition Act 1869* is a matter for the courts, as I understand it, but I will seek some advice.

[2.36 p.m.]

I am advised that the correspondence from TasFarmers, which I am also aware of, is being elevated to a discussion with the Supreme Court around that particular matter. As I understand it, the *Partition Act 1869* works quite well where it is applied. It's not often applied, and I don't think it comes up and creates a lot of interest, typically. I note that it is a very old piece of legislation and perhaps could do with a look-over, but I'm advised that there is

currently a dialogue between TasFarmers, lands department and the Supreme Court on a matter that has brought some attention to the Partition Act 1869.

Partition Act 1869 - Subdividing Land Concerns

Ms WEBB question to MINISTER for PARKS and HERITAGE, Mr DUIGAN

[2.37 p.m.]

Thank you, Mr President and thank you minister, I appreciate your responses to the issue that I've raised. I specifically wasn't asking in relation to that particular issue and matter. The question was more broadly: you, as Parks minister, have portfolio responsibility for the act. Therefore, my question was regarding a review of the act, and it may be that a review process of that act wouldn't necessarily be a big, onerous process if there are some identified areas that may require modernisation and updating.

My question to you was: would you consider looking at elevating a review of that act further up the priority agenda, noting it's not necessarily at the top at the moment but may be indicated now that the peak body has also put their weight behind it, that it is attended to sooner than it may otherwise have been? Is that something you can commit to looking at?

ANSWER

Thank you, Mr President. I thank the member for the question. As this issue came to light and there was some discussion in the department regarding the *Partition Act 1869*, there was a question regarding whether the act was indeed fit for purpose. Again, relying on my memory, I would say the advice to me was that the act actually works quite well. It is old, I take the point, but it wasn't in dire need of a review necessarily. That is where it sits for me at the moment. I'm happy to further prosecute that question in light of this discussion.