

Deputy Premier
Attorney-General
Minister for Justice, Corrections and Rehabilitation
Minister for Small Business, Trade and Consumer Affairs
Minister for the Environment and Climate Change

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Jen Bulter MP
Member for Lyons

By email: haprocedure@parliament.tas.gov.au

Dear Ms Butler

Constituency Question – Partition Act 1869

Thank you for your question in Parliament on 16 June 2026 requesting further information about the *Partition Act 1869*. I note that the administrative arrangements for the *Partition Act 1869* fall under the portfolio for the Minister for Parks and provide the following advice:

Question

My question is from Fiona Hume of the upper Derwent. Tasmania's Partition Act 1869 is legislation that dates back more than 150 years. The concern is that a minority owner of a property may be able to pursue the sale of an entire holding even where that property is a longstanding productive family farm and the majority owners wish to continue operating it. While this issue also has arisen in relation to Arundel Farm in the Derwent Valley, the broader public policy question is whether Tasmania's laws strike the right balance between resolving co-ownership disputes and protecting productive agricultural land, family farming businesses and regional economic activity. Will the Attorney-General undertake a review of the Partition Act 1869 and advise whether reforms are needed to provide courts with greater discretion when determining applications involving productive agricultural land?

Response

The *Partition Act 1869* provides a legal mechanism for dividing or selling co-owned land when owners cannot agree, and all applications are determined exclusively by the Supreme Court of Tasmania. The Recorder of Titles has only an administrative role, registering dealings that result from court orders.

Regarding concerns by your constituent Ms Fiona Hume, we understand Ms Hume is a part-owner of a farm and is understandably worried about the possibility of a forced sale or subdivision. We're advised that, as a tenant in common, Ms Hume is not required to

participate in negotiations regarding another co-owner's share, and any dispute would ultimately be determined by the Supreme Court.

The Government recognises the importance of productive agricultural land and the significant contribution that family farming enterprises make to regional communities and the Tasmanian economy. At the same time, the Partition Act serves an important function in providing a pathway for the resolution of disputes between co-owners where agreement cannot be reached.

While the Government is not currently undertaking a review of the *Partition Act 1869*, Lands Tasmania will write to the Chief Justice of the Supreme Court to seek any views that may be available regarding the practical operation of the legislation. Any feedback received will assist in informing future consideration of whether changes to the legislative framework may be warranted.

Thank you for raising this matter on behalf of your constituent.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Guy Barnett', is written over a light blue horizontal line.

Hon Guy Barnett MP

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