

MEDIA RELEASE

NEWS FROM THE UNIVERSITY OF TASMANIA

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ATTENTION: Chiefs of Staff, News Directors



Community urged to not hedge their bets with new issues paper

Trees and hedges might sound like a small legal issue, but for some they can be the cause of great stress and expense.

Common legal problems in southern Tasmania include a neighbour's hedge or tree creating a barrier to sunlight or a view.

The Tasmania Law Reform Institute is seeking feedback on a new Issues Paper investigating whether there are appropriate legal remedies available to those affected by a neighbour's hedge or tree, or whether there should be reform of the existing laws.

The issue was referred to the Institute by Dr Vanessa Goodwin MLC after an approach by a constituent. Following the initial approach Dr Goodwin was provided with some twenty-one other examples of problem hedges from Southern Tasmanian residents.

The main problems to be addressed in the Paper are:

- The issues caused by trees or hedges which obstruct the views or sunlight of neighbouring residents
- The lack of redress available to residents whose enjoyment of their property is reduced due to trees or hedges on a neighbouring property which block their sunlight or views
- The need to recognise the right of a resident to establish and maintain a garden on their property, which may include the use of trees and hedges to provide some form of privacy screen
- The need to identify a suitable mechanism to resolve disputes between neighbours which involve competing interests concerning trees and hedges

The TLRI's Issues Paper on the topic outlines problems with the current law, considers reform in other jurisdictions and discusses some options for reform.

Lynden Griggs, Senior Lecturer in Property Law at the Law School, who supervised the preparation of the Issues paper for the TLRI, said there were several options for addressing this issue.

“Tasmania could, for example, adopt the Victorian model of dispute resolution, where neighbours are assisted to resolve their own disputes through neighbourhood resolution centres.”

“Or separate legislation could be developed that outlines when neighbours can apply to a court, tribunal or local council to have disputes remedied.”

The Issues Paper provides Australian and international examples for consideration.

“We really need to understand the extent of the problem in Tasmania” Lynden said.

“We hope property owners will complete a short online survey about any problems they’ve had. We are also seeking feedback, alternative views and other insights from the community at large about reform and encourage people to contact the TLRI to offer their thoughts.”

For a copy of the Issues Paper and information about how to respond, please visit: <http://www.utas.edu.au/law-reform/>

The online survey can be accessed here <http://www.utas.edu.au/law-reform/news-and-events/tlri-news/new-issues-paper-released2>

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