

MEDIA RELEASE

NEWS FROM THE UNIVERSITY OF TASMANIA

DATE: WEDNESDAY 18 FEBRUARY 2009

ATTENTION: Chiefs of Staff, News Directors



Rights of way under review

Neighbourly disputes over right of way can cause serious emotional, personal and financial costs and the Tasmania Law Reform Institute is seeking community input on whether there is a need to improve the law.

The Institute, based at University of Tasmania, today released an issues paper *Law of Easements in Tasmania*.

An easement is a right exercisable by one landowner over the land of a neighbour. A common example is a right of way.

Senior Lecturer Lynden Griggs said while there are no figures to indicate the exact number of easements in Tasmania, it is assumed many properties either benefit or are burdened by such an arrangement.

The Institute began investigating easements after a disgruntled citizen described the emotional, personal and financial costs involved.

“Underlying this dispute was a stark reminder of the need for rights attaching to land to be easily identifiable and clearly understood,” he said.

But the UTAS researchers would like to have more public input in relation to the operation of the law of easements.

The Institute is calling for community views on the operation of the law of easements in Tasmania.

Mr Griggs said they are interested to hear whether the law on access to easement by the dominant owner should be clarified and whether an inexpensive dispute resolution mechanism should be formalised within the legislation.

The Institute also wants to know whether new easements should be recognised such as right to a view, or wind or solar easements.

He said there is also the question of whether a landowner should be able to burden their own land with an easement to preserve conservation or heritage values rather than to benefit a neighbour.

Any group or person is invited to respond to this issues paper. Following consideration of all responses it is intended that a final report will be published, containing recommendations.

The Institute invites responses to the Issues Paper by 29 May 2009.

For further information and interviews:

Mr Lynden Griggs, Senior Lecturer, Faculty of Law, (03) 6226 7573

The full report can be downloaded from www.law.utas.edu.au/reform/

Information Released by:

The Media Office, University of Tasmania

Phone: (03) 6226 2124 – 2691 or (03) 6324 3218 (Launceston)

Mobile: 0417 517 291

Email: Media.Office@utas.edu.au