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Farm succession stuck between the law and land

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Conflicting legal and agricultural systems erode viable family farms, writes **GEOFF TUALLY**

Australian farm transfer and farm succession remains unresolved in 2025 because two fundamentally different systems continue to operate in opposition.

The legal system is structured around estate-planning wills designed to divide and distribute assets. The agricultural system, however, depends on succession arrangements that preserve and grow a viable farm business across generations. When these systems collide, farm capital is often reduced, families fracture and productive farms go backwards.

This tension is most evident where equal inheritance is applied to a growing farm business. Whether through intestacy laws or standard estate-planning wills, off-farm siblings commonly receive inheritances funded from farm capital. The result is diminished equity, compromised productivity, and, in many cases, the loss of a previously viable family farm.

Australia last examined this issue

seriously at the Many Paths Farm Succession Conference in 2006. Nearly 20 years later, little has changed. I recently contributed to a University of New England research initiative seeking contemporary views on farm transfer. My conclusion is that the problem is structural, not individual.

Family farming is a small, specialised field. Estate planning is a large, universal legal market. Unless farm owners explicitly understand how to instruct advisers, they are likely to receive wills unsuited to an operating farm business. Some solicitors understand farming well; many do not. The consequences are borne by families and by agriculture itself.

Your recent editorial noting that Australian agricultural productivity has averaged just 1 per cent growth for almost half a century highlights why this matters. The National Farmers' Federation's 2030 Roadmap includes a goal of increasing farm equity each

year, yet current farm succession practices often work directly against that objective.

The Weekly Times itself documented the human cost of this failure in its 1998 farm succession series, including severe mental health impacts. In one mediation I observed, a son who had worked on the family farm for 30 years lost much of what he and his parents had built, while off-farm siblings received a disproportionate share. This outcome is not uncommon.

This issue warrants renewed attention from The Weekly Times, as it did in 1998. Australian agriculture cannot afford another generation of unresolved farm transfer.

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