

Victoria Park Racing and Recreation Grounds Company Limited v Taylor and Others (1937) 58 CLR 479	3
Yanner v Eaton (1999) 201 CLR 351	3
Waverley Borough Council v Fletcher [1996] QB 334.....	4
Agripower Barraba Pty Ltd v Blomfield [2015] NSWCA 30	Error! Bookmark not defined.
Steepe v Commonwealth of Australia [2021] NSWSC 368.....	Error! Bookmark not defined.
Bryant v Lefever (1879) 4 CPD 172.....	Error! Bookmark not defined.
Rylands v Fletcher (1868) LR 3 HL 330	Error! Bookmark not defined.
National Provincial Bank Ltd v Ainsworth [1965] AC 1175, 1247–8	Error! Bookmark not defined.
Cowell v Rosehill Racecourse Co Ltd (1937) 56 CLR 605	Error! Bookmark not defined.
Wood v Leadbitter (1845) 153 ER 351	Error! Bookmark not defined.
The Odessa [1916] 1. A.C. 145, 154 159	Error! Bookmark not defined.
Doodeward v Spence (1908) 6 CLR 406.....	Error! Bookmark not defined.
The Winkfield [1902] P 42, 59	Error! Bookmark not defined.
Young v Hichens (1844) 6 QB 606	Error! Bookmark not defined.
Fisher v Automobile Finance Company of Australia Ltd (1928) 41 CLR 167	Error! Bookmark not defined.
defined.	
Rowland v Divall [1923] 2 KB 500.....	Error! Bookmark not defined.
<i>Armory v Delamirie [1722] EWHC J94</i>	Error! Bookmark not defined.
National Australia Bank v Blacker (2000) 104 FCR 288.....	Error! Bookmark not defined.
Holland v Hodgson (1872) LR 7 CP 328	Error! Bookmark not defined.
Bernstein v Skyviews & General Ltd. [1978] 1 QB 479	Error! Bookmark not defined.
Whittlesea City Council v Abbatangelo (2009) 259 ALR 56.....	Error! Bookmark not defined.
Sidoti v Hardy (2021) NSWCA 105.....	Error! Bookmark not defined.
JA Pye (Oxford) Ltd v Graham [2003] 1 AC 419	Error! Bookmark not defined.
Asher v Whitlock (1865) LR 1 QB 1.....	Error! Bookmark not defined.
Riley v Pentilla [1974] VR 547	Error! Bookmark not defined.
Mabo v Queensland (No 2) (1992) 175 CLR 1	Error! Bookmark not defined.
Northern Territory v Griffiths (2019) 269 CLR 1	Error! Bookmark not defined.
Kelly on behalf of the Gumbaynggirr People v Attorney-General (NSW) [2017] FCA 1459.....	Error! Bookmark not defined.
Bookmark not defined.	
Mills v Stokman (1967) 116 CLR 61	Error! Bookmark not defined.
Wilkes v Spooner [1911] 2 KB 473	Error! Bookmark not defined.
Frazer v Walker [1967] 1 AC 569 (PC).....	Error! Bookmark not defined.
Breskvar v Wall (1971) 126 CLR 376.....	Error! Bookmark not defined.
Bahr v Nicolay (No 2) (1988) 164 CLR 604	Error! Bookmark not defined.
Cassegrain v Gerard Cassegrain & Co Pty Ltd (2015) 254 CLR 425	Error! Bookmark not defined.
Wik Peoples v Queensland (1996) 187 CLR 1.....	Error! Bookmark not defined.
Heid v Reliance Finance Corporation (1983) 154 CLR 326	Error! Bookmark not defined.

Black v Garnock (2007) 230 CLR 438.....**Error! Bookmark not defined.**
Delehunt v Carmody (1986) 161 CLR 464**Error! Bookmark not defined.**
Re Ellenborough Park [1956] Ch 131**Error! Bookmark not defined.**
Austerberry v Corporation of Oldham (1885) 29 Ch D 750**Error! Bookmark not defined.**
Tulk v Moxhay (1848) 41 ER 1143.....**Error! Bookmark not defined.**
Radaich v Smith (1959) 101 CLR 209**Error! Bookmark not defined.**
Theodore v Mistford Pty Ltd (2005) 221 CLR 612.....**Error! Bookmark not defined.**
Forsyth v Blundell (1973) 129 CLR 477**Error! Bookmark not defined.**

Citation	Facts	Issue	Decision	Principle/Topic
<p>Victoria Park Racing and Recreation Grounds Company Limited v Taylor and Others (1937) 58 CLR 479</p>	<ul style="list-style-type: none"> Victoria Park Racing operated a racecourse. The defendant, Taylor, owned neighbouring land and constructed a platform from which he, and a radio station, could view and broadcast the races without paying admission. Victoria Park Racing claimed this interfered with their business and sought an injunction to prevent Taylor from observing and broadcasting the events 	<ul style="list-style-type: none"> The central legal issue was whether the plaintiff had a legal right to prevent others from observing and broadcasting events occurring on its land from neighbouring property, and whether such conduct amounted to a nuisance or breach of any property right. 	<ul style="list-style-type: none"> There can be no property rights in a spectacle Any profit made from a premise is made so by charging entrance to an area. A person should not have to divert their eyes from something as you walk past; there was little difference in this case. The plaintiff could complain that the actions diminish their profits. However, this is little different to Taylor setting up a racecourse next door. The HC held that inspecting land and watching activities taking place on it, such as sporting events, from and adjacent property, is not actionable either as a trespass or nuisance. 	<ul style="list-style-type: none"> Are there property rights in a spectacle? Leading case relating to the boundaries of property rights, the concept of nuisance, and the non-recognition of a general right to privacy at common law.
<p>Yanner v Eaton (1999) 201 CLR 351</p>	<ul style="list-style-type: none"> An aboriginal man, Murrandoo Yanner, hunts and kills two juvenile crocodiles in a national park where his clan (the Gunnamulla) and tribe (Gangalidda) have rights under native title. The appellant hunted the 	<ul style="list-style-type: none"> The key legal questions were whether the statutory vesting of “property” in fauna in the Crown under s 7(1) of the Fauna Conservation Act extinguished or was inconsistent with native title rights, and how the 	<ul style="list-style-type: none"> The HC found that there was difficulty in identifying what fauna is owned by the Crown. Secondly, the statutory scheme does not contemplate that the Crown has possession of fauna. Native title was not extinguished by the <i>Fauna Act</i>. Therefore, it was permissible to hunt the crocodiles in the circumstances. 	<ul style="list-style-type: none"> is a landmark case in Australian native title law and property law. It addresses the nature of property rights, the interpretation of statutory vesting of property in the Crown, and the regulatory versus extinguishing effect of legislation on

Citation	Facts	Issue	Decision	Principle/Topic
	<p>crocodiles with a 'wock' or traditional harpoon using a motorised dinghy.</p> <ul style="list-style-type: none"> • He was charged under section 54(1) of the <i>Fauna Conservation Act 1974</i> (Qld)(Fauna Act). • Yanner argued that he had the right to hunt the crocodiles under native title rights granted to his people. 	<p>concept of "property" should be understood in this context.</p>	<ul style="list-style-type: none"> • There were rights, restrictions and obligations placed upon Aboriginal people in regards to native title, but none of these restricted the man's ability to hunt the crocodiles. • The Government did not "own" the crocodiles. It is a legal relationship with the thing. • Further, the requirement in the <i>Fauna Conservation Act</i> that a person taking fauna possess a licence or other authority did not apply to Mr Yanner due to the operation of superior Commonwealth legislation (the <i>Native Title Act 1993</i> (Cth)). 	<p>native title rights.</p>
<p>Waverley Borough Council v Fletcher [1996] QB 334</p>	<ul style="list-style-type: none"> • A man with a metal detector finds a gold needle underground in a park owned by Waverly City Council. • The Park was open to the public for recreational purposes and Mr Fletcher was a legitimate visitor to the park. • He found a medieval gold brooch nine inches below the surface. • He reported his findings and a forensic investigation 	<ul style="list-style-type: none"> • Does a landowner have a better title than a finder to an object found buried within the land? 	<ul style="list-style-type: none"> • The court of Appeal held that the council had more claim to the brooch. • Since it was found or fixed in the ground and not on the surface, it belonged to the person who owned the property. • Items below ground belong to the dweller. Notices prohibiting metal detectors. • The defendant was unaware of the council's policy. • Where an article is found in or attached to the land, as between the occupier of the land and the finder, the presumption is that occupier has the better title. 	<ul style="list-style-type: none"> • Right of possession • Lost or abandoned objects: Finders Keepers? • Attached or unattached. • Is an object found under the ground the finders, or the occupiers?

Citation	Facts	Issue	Decision	Principle/Topic
	<p>was launched to determine if the item was a hidden treasure.</p> <ul style="list-style-type: none"> • The item turned out not to be treasure and he gave it back to Mr Fletcher. • The council then brought a suit against Mr Fletcher in, claiming ownership of the brooch. 		<ul style="list-style-type: none"> • Where an article is found unattached on land, the Occupier of the land has better title only if he exercises such manifest control over the land as to indicate an intention to control the land and anything found upon it. 	