

National Crime Authority v Flack (1998) 86 FCR 16

<http://lawcasesummaries.com/knowledge-base/national-crime-authority-v-flack-1998-86-fcr-16/>

Facts:

- \$433,000 is hidden in a cupboard without Mrs. Flack's knowledge.
- The money is confiscated by the police who think it might be proceeds of crime
- This is never established, and Mrs. Flack wants it back

Issue:

- Is something in a house that the person is not aware of a possession?

Held:

- So strong is one's possession over the objects inside their residential property that they usually do not need to show *animus possidendi* - usually
- The owner of a premises does not need to prove they own the chattels, ownership of the premises is sufficient
- Access to a residential property is so restricted that people do not need to show the *animus possidendi*
- It is not necessary to access all areas of the home in order to show control over them
- Just because something is unusual doesn't mean it doesn't count

Law case summary from www.lawcasesummaries.com