Yanner v Eaton [1999] HCA 53


Facts

- An Aboriginal man hunts and kills a crocodile in a national park where he has rights under native title
- He is charged under the Fauna Act but he argues he had the right under native title

Issue

- Can native title coexist with other legislation?

Held

- Native title was not extinguished by the Conservation Act
- Therefore, it was OK to hunt the crocodile in the circumstances
- 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 croc.
- The Govt did not “own” the croc

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Law case summary from www.lawcasesummaries.com