

EASEMENTS TO HEAVEN

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During the hearing by the New South Wales Court of Appeal of Dobbie v Davidson on 11 April 1991 in Sydney the Court (Kirby P, Priestley and Handley JJA) was hearing a case involving an alleged omission by the Registrar General to register a right of way when land was brought under the Real Property Act.

Mr T E F Hughes QC was appearing for the appellants when the following exchanges occurred:

KIRBY P: Where is the notice which the Registrar General gave to interested property owners?

MR HUGHES: It is the one given to the Church of England Property Trust shown in the appeal book. It was common ground that this was a pro forma.

KIRBY P: The Church of England Property Trust must own large tracts of land in this region?

MR HUGHES: The Church owns a lot of land near Goulburn.

HANDLEY JA: No unregistered right of way, I trust.

MR HUGHES: Except, one hopes, to heaven!