HIGH COURT OF AUSTRALIA

11 November 2026

FARM TRANSPARENCY INTERNATIONAL LTD v THE GAME MEATS COMPANY OF AUSTRALIA PTY LTD
[2026] HCA 42

Today, the High Court allowed an appeal in part from a judgment of the Full Court of the Federal Court of Australia. The appeal concerned the scope of specific remedies as relief ordered by a court for the consequences of a tort where damages are not adequate to fulfil the purposes for which the damages were awarded.

The appellant ("Farm Transparency") wilfully trespassed on the abattoir of the respondent ("Game Meats"), installed hidden cameras, and then trespassed again to remove the hidden cameras. Farm Transparency's objective in trespassing was to obtain footage of the treatment of animals at the abattoir and to publish that footage to the public.

The primary judge in the Federal Court of Australia awarded general and exemplary damages to Game Meats for the trespasses, but declined to grant an injunction restraining Farm Transparency from publishing the images contained in the footage and held that Farm Transparency's copyright in the images was not held on constructive trust for Game Meats. The primary judge also declined to make an order for the permanent deletion of the images.

The Full Court of the Federal Court allowed an appeal by Game Meats and declared that Farm Transparency held its copyright in the images on constructive trust for Game Meats, which provided a vehicle for Game Meats to obtain a legal assignment of that copyright and potential remedies against any third party who publishes the images. The Full Court also made ancillary orders consequent upon the constructive trust, including injunctions (with limited exceptions) to restrain Farm Transparency from publishing the images and to require it to delete all images obtained from the trespasses.

Farm Transparency's three substantive grounds of appeal in the High Court challenged the constructive trust recognised by the Full Court, and therefore all the ancillary orders consequent upon that trust, on the bases that: (i) there was no legal, equitable, or statutory wrong to justify the constructive trust; (ii) the facts and circumstances did not justify a constructive trust; and (iii) a constructive trust should only have been awarded if there were no more appropriate form of relief that was available to quell the controversy. By an amended notice of contention, Game Meats sought to uphold all of the Full Court's orders other than the constructive trust and associated execution of a legal assignment of copyright as independent remedies for the trespasses in equity's auxiliary jurisdiction.

The High Court unanimously allowed the appeal in part. Although damages were inadequate to rectify the consequences of Farm Transparency's wrongdoing, the only orders that were needed in equity in order to address the adverse consequences to Game Meats of Farm Transparency's trespasses were orders to ensure that Farm Transparency delete or destroy all images (and copies) that it obtained from its trespasses.

This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.

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