

of Trinidad and Tobago spoke for many participants when he expressed the hope that law reform meetings would regularly follow the Commonwealth Law Conference. The shared way of doing things was a remarkable feature of the Conference. As Mr. Ramphal put it : "The reality of variety commingled ... is a measure of the Commonwealth's strength and of its contemporary relevance".

New Reference on Lands Acquisition

"An acre in Middlesex is better than a principality in Utopia".

T.B. Macaulay "Lord Bacon", 1837.

Rousseau it was who said that the first man to fence in a piece of land and to find people simple enough to believe it was his, was "the real founder of civil society". Certainly land and its ownership are at the heart of our legal system. The Australian Constitution permits the Commonwealth to acquire property but only "on just terms". (s.51(xxi)). The A.L.R.C. has now been asked to review the provisions and administration of the *Lands Acquisition Act* 1955 (Cth). Terms of reference were given to the Commission on 7 July 1977. The Commissioner in charge of the project is Mr. Murray Wilcox who in 1967 published a book *Law of Land Development* and was more recently Counsel assisting the Commission of Inquiry into Land Tenures. Concurrent with the A.L.R.C. inquiry at a federal level in Australia are two State inquiries in N.S.W. and Tasmania. The A.L.R.C. has secured close consultation with State officers throughout the country.

Important developments have happened in Canada, the United Kingdom and the United States which now come under scrutiny in an Australian context. Mr. Wilcox identifies three important issues raised by the new reference.

- * *The preacquisition stage* : At the present time no opportunity exists under the federal Act for a landowner to contest the decision to acquire. Preliminary questions, procedures and notifications of rights have been the subject of several Canadian reports.
- * *Compensation* : The present compensation principles were devised at a time when home ownership was rare. The home owner necessarily incurs a multitude of intangible losses on compulsory acquisition. In a time of high home ownership, special attention to the criteria for compensation may be needed.
- * *Injurious Affection* : Nowhere in Australia does the law provide compensation for people whose land is affected adversely by public works, although not actually acquired. U.K. legislation has been introduced on this subject. This was reviewed when Mr. Wilcox was recently in London.

The A.L.R.C. is conducting discussions in all parts of Australia. It is also engaged in empirical research, following up recent Commonwealth lands acquisitions, to see where current laws and practices fall down. The Law Council of Australia is giving special help as are valuers' associations and officers of the federal Department of Administrative Services. Persons with knowledge or interest in the reference who are prepared to assist with comments and suggestions should get on to the mailing list by writing to Commissioner Wilcox, C/- Box 3708, G.P.O., Sydney, 2001.

Down with Legalese!

"Human language, after all, is but little better than the croak and cackle of fowls, and other utterances of brute nature, - sometimes not so adequate".

Nathaniel Hawthorn, 1850

The man in the street is exasperated with legal language. Assembly man Peter Sullivan last month introduced into the New York State Legislature a Bill intended