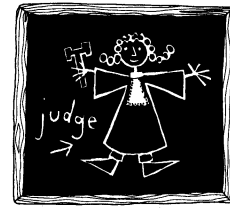


# LEGAL STUDIES

## Assisted Theft



The article 'Assisted Theft' examines the compulsory acquisition of land for private benefit in Australia and the US. The article questions if freehold title is as vulnerable as native title under the Northern Territory legislation.

Working in pairs, read the first four paragraphs of the article and answer the following questions:

1. What does the term 'compulsory acquisition of land' mean?
2. Who benefited from the acquisition of land in the case of *Griffiths v Minister of Lands, Planning and Environment*.

### Ways of imagining land ownership

Carefully read the section 'Ways of imagining land ownership'. Working in pairs, answer the following questions:

1. The article quotes a 17th century saying: 'A man's house is his castle.'
  - a. What do you think this saying means?
  - b. What do you think are the rights of a landowner?
  - c. What do you think are the obligations of a landowner?
2. The article refers to the view of an indigenous man, Djarro, on the ownership of land. How is this view different to the 17th century saying?
3. The article refers to different forms of land ownership. Using a legal studies textbook, or dictionary, define the terms:
  - Freehold
  - Native title.

### Compulsory acquisition of land

Working in groups of three or four, read the sections of the article 'Compulsory acquisition of land in Australia', the Griffiths case, and the case of Kelo.

1. Suggest reasons why the government could acquire private land?
2. According to the *Constitution*, when can the Commonwealth acquire land?
3. What is the difference between a 'private purpose' and a 'public purpose'?

4. Read the cases of Griffiths and Kelo. Draw up a chart like the one below for each case:
  - a. Note the key facts of the case;
  - b. Identify the legal issues discussed;
  - c. List decisions the court made;
  - d. Explain your thoughts and feelings about the issues raised and the decisions.

	Griffiths	Kelo
Facts		
Key issues		
What did the court decide?		
Your thoughts or feelings about the case		

### Who loses out — do we need a Charter?

Read the section in the article 'Conclusion: who loses out from private-to-private land acquisition?' Working in groups, consider the following: which groups in the community are likely to be affected by compulsory land acquisition and the need for a Charter of Human Rights.

Carefully consider the following questions:

1. What excites you about the idea of a Charter of Human Rights? What's the upside?
2. What do you find worrisome about the idea of a Charter of Human Rights? What's the downside?
3. What else do you need to know or find out about the idea of a Charter of Human Rights? What additional information would help you to evaluate things?

Prepare a poster summary of your answers and present your view to the class.

**JULES ALDOUS** teaches legal studies at Shelford Girls' Grammar School in Melbourne.