

COMPENSATION WORKSHOP 1

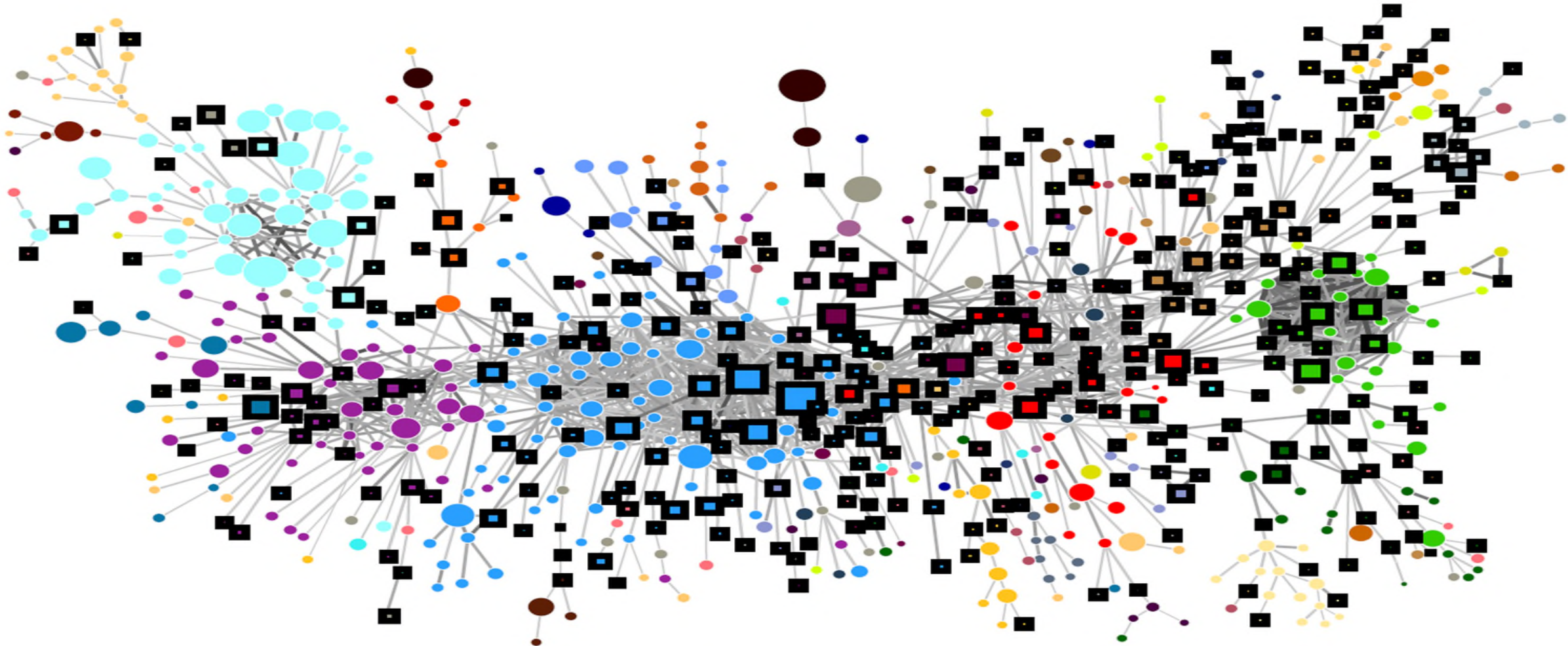
WEDNESDAY 29TH JULY 2020

CNTA

JUSTICE JOHN MANSFIELD

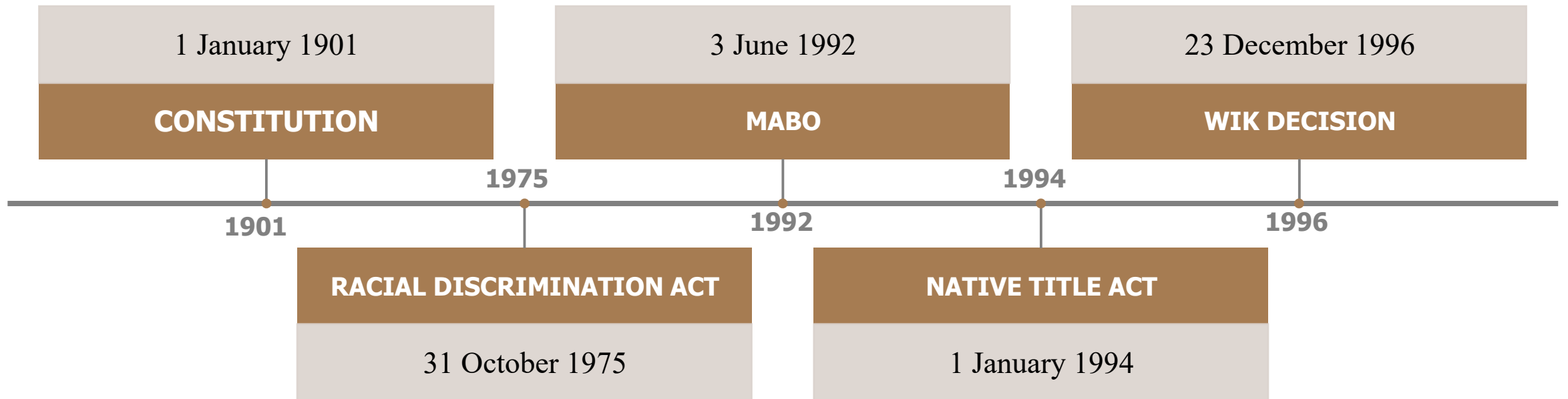
INTRODUCTION

BACKGROUND AND CONTEXT



COMPENSATION

LEGAL CONTEXT



TIMBER CREEK

BACKGROUND

- **TOWNSHIPS**
- **LAND RIGHTS CLAIMS**
- **EARLIER DETERMINATION**
- **COMPENSATION CLAIMS**



COMPENSATION: NATIVE TITLE ACT

STRUCTURE

- EXTINGUISHMENT

- VALIDATION

- PAST ACT

31 October 1975 - 31 December 1993

- INTERMEDIATE PERIOD ACT

01 January 1994 - 23 December 1996

- FUTURE ACT

24 December 1996 – onwards

- ENTITLEMENT TO COMPENSATION

COMPENSATION: QUANTIFICATION

CRITERIA FOR DETERMINING COMPENSATION

- CRITERIA- SECTION 51 NTA
- JUST TERMS COMPENSATION- SECTION 53 NTA
- THE NON – NTA CONTEXT

HOW THIS WORKED

TIMBER CREEK

- ECONOMIC LOSS
 - NATURE OF EVIDENCE AND OUTCOME

- NON ECONOMIC LOSS
 - ROLE OF ANTHROPOLOGISTS

GOING FORWARD

CONSIDERATIONS

- IMPORTANCE OF PROPER ANTHROPOLOGICAL BACKGROUND
- DOES TIMBER CREEK SET A PRECEDENT/TARIFF
- FOCUS ON EVIDENCE FROM ANTHROPOLOGISTS
- EACH CASE WILL BE DIFFERENT

SUGGESTIONS

TOPICS FOR NEXT WORKSHOP

- Cumulative effects
- Loss or damage to reputation/dignity and associated value
- Interest and economic issues
- Future projected issues of loss into the future
- Anthropologists involvement in researching particulars of the acts