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SPEAKER
Adjunct Professor John Sheehan
Property Rights Research Group,
Faculty of Design Architecture and Building,
University of Technology, Sydney

ACADEMIC COORDINATOR
Dr Thalia Anthony
Sydney Law School
The assessment of compensation has always exposed the multifarious issues which can emerge as the heads of compensation arising from acquisition or impairment of a property right by the State, notably land property. With separate property rights now extending to not only land and minerals, but also water and biota, carbon credits, saline credits, transferable development rights, and even electromagnetic spectrum, settled compensation law and practice are revealing their shortcomings. The recognition of ancient indigenous property rights in 1992 by the High Court of Australia has raised questions about the ability of compensation law and practice to adequately deal with issues such as spiritual and cultural attachment which are an integral part of Aboriginal rights and interests, and also the propriety of land use regulations in this context.

The methodological discourse between property, law and expectations of the community is examined in the light of the aims of compensation. The ability of current practice and theory to achieve just goals of compensation is reviewed. While many in the Australian community are calling for a transparent set of outcomes to provide precedents for the future, the likelihood of current attempts at compensation to achieve robust justice is found questionable. Directions for future efforts towards resolution of this problem are suggested including issues at the heart of property, legal theory and land use regulation. To attempt a solution without dealing with all of these is argued to risk perpetuating the problem.

As a recognised authority on compensation for native title in Australia, John Sheehan has been briefed to undertake some of the earliest work of assessing compensation for the extinguishment of native title in this country. In 1998 John was appointed a Member of the Land Tribunal. In 1999 he was appointed a member of the Native Title Practitioners Panel of the Family Law and Legal Assistance Division, Commonwealth Attorney-General’s Department, and remains a current member of the Panel.

In January 2007, he was appointed as Acting Commissioner in the Land and Environment Court of NSW with notable expertise in valuation appeals, compensation, and also the Aboriginal Land Rights Act 1983 (NSW).

Most recently, John was appointed Adjunct Professor with the Property Rights Research Group at the University of Technology Sydney, having also been appointed in November 2006 as Visiting Professor with the Faculty of Law, University of Haifa, Israel. Clearly, his work is internationally recognised and makes an important contribution to policy developments.

The views expressed by John Sheehan in this seminar are not necessarily the views of the Land and Environment Court of NSW.

SEMINAR

Property Rights, Dispossession and Compensation

DATE: Wednesday 11 June 2008

TIME: 6.00 pm – 7.30 pm
(Seminar commences at 6.00 pm with registration desk and light refreshments available from 5.30 pm)

COST:
Full fee registration: $75 (GST incl.)
Full time student/unwaged rate: $35 (GST incl.)

LOCATION:
Minter Ellison Conference Room, Level 13, Sydney Law School, 173-175 Phillip Street, Sydney