

House of Representatives

# Supplementary Order Paper

Tuesday, 9 May 2017

## Land Transfer Bill

### *Proposed amendment*

Denis O'Rourke, in Committee, to move the following amendment:

#### *Clause 57*

Delete *clause 57(3)* (page 39, line 23 to 25).

### **Explanatory note**

This Supplementary Order Paper would delete *clause 57(3)* from the Land Transfer Bill so that the court would not need to consider, in the circumstances of any case, whether the injustice could not properly be addressed by compensation or damages, whether under *subpart 3* or otherwise. If the applicant for an order under *clause 57(1)* satisfies the court that it would be manifestly unjust for the registered proprietor concerned to remain on the title concerned then the applicant should be entitled to have the registration cancelled without having to prove that the injustice by which the registered proprietor became so registered, could not properly be addressed by compensation or damages. *Clause 57* as a whole should entitle the applicant who has established manifest injustice under *clause 57(1)*, and who has satisfied the court in respect of the matters set out in *clause 57(4)*, to an order for cancellation. Compensation or damages should be considered only if the applicant has applied for that under *subpart 3*.