

1 understanding of the issues that underpin this case can
2 helpfully be gained from reading Justice Kaye's judgment
3 which is Exhibit 3 to Mr Thompson's affidavit. It's
4 quite a useful - to set out the background of what had
5 gone on before with the guarantee, and it seems to me
6 what prompted this initial action.

7 HIS HONOUR: Yes.

8 MR DELANY: I won't take Your Honour to it, but it's a useful
9 outline and we'll provide to Your Honour's associate
10 copies of the legislation which referred to - as it was,
11 I won't go through it, but we'll provide it to Your
12 Honour, so Your Honour has it.

13 HIS HONOUR: I think I still have a working knowledge of 69E as
14 I'm sure Mr Garde does, but I doubt whether anyone else
15 in the room does.

16 MR DELANY: Well I have no working knowledge whatsoever Your
17 Honour of 569. I've read it, but I wouldn't profess a
18 working knowledge.

19 MR GARDE: I've got to say it's ingrained in one's memory, one
20 is very scarred.

21 MR DELANY: Well now Your Honour - so Paragraph 20 is that the
22 allegation that the council is not entitled to call up
23 the guarantee and - in for the following reasons, and
24 over on p.9A, the failed to comply properly or order
25 division 569 and 569E and then details are set out
26 including in (ii) that the plans of subdivision sealed by
27 the council contravened (a) 569(1)(a), (b) 569(1)(a), (c)
28 and that the Plans E, F, G and H did not show at all, or
29 showed distinctly all new streets and roads and so on.

30 And then over at p.10, the further allegation in (v)
31 that "the purported requirements have been withdrawn by