

matters that the Plaintiffs are now seeking to rely upon to support their misfeasance in public office cause of action have been known to them since prior to 1991 (that is some 14 years to the issue of the current proceeding).

85. The following extracts are quotations from Mr Thompson's handwriting in the book of pleadings¹⁰³:

(a) this is the critical "new" fact that the Plaintiffs contend that they were unaware of until August 2000;

"Notwithstanding that it was illegal Buchanan had sold at least two of the allotments (notices of disposition opposite). In order to avoid the provisions of section 9 of the Sale of Land Act which at that time prevented the sale of allotments on subdivisions of more than two allotments (etc) Buchanan then lodged seven separate plans which were contrived to create several subdivisions of two lots each"¹⁰⁴

(b) "Buchanan lodged 30th Schedule notices in relation to these new contrived plans. The new Notices are dated 4/3/80 which is also the date which the notices of disposition give as the date of possession passing to the new Purchasers"¹⁰⁵;

"The Council served a separate 'Notice of Requirement' in relation to each of the Contrived Plans which were numbered 79305E/79305K"¹⁰⁶

(c) in Thompson (1), Mr Thompson asserts that it was only after reviewing the complete version of the plans for the industrial allotments that he became aware that a copy of a plan that he had previously seen and which was marked 7905G was in fact part of a sequence of plans¹⁰⁷. The

¹⁰³ See tab 43 of the exhibit folder "MED 1"

¹⁰⁴ At p 5

¹⁰⁵ At p 6

¹⁰⁶ At p 7

¹⁰⁷ See paras 53 (d) and (e)