

before this proceeding was settled in 1991 because there's no other reason one would annotate and make a book of pleadings, and we will invite you to quietly look through these annotations. I think you'll clearly form the conclusion that they must've been made before 1991.


If we start please with the page which is numbered 2 and I'll be pretty quick about this but it is important to go through them, I think, in sequence because it shows that the facts were known and also that the complaints that were now made about different lots of plan of subdivision were also known.

The first handwritten note at the top of the page, p.2, "On 12 February 1980 ... (reads) ... to the Local Government Act". If we then go to p.5 and you weren't taken to this handwritten note, this is very important, "Notwithstanding it was illegal ... (reads) ... notice of disposition opposite". One might say, why was it illegal, "in order to avoid the provisions of s.9 of the Sale of Land Act". Isn't that interesting, "which at that time ... (reads) ... of more than two allotments". Buchanan then lodged - what did he do? He lodged seven separate plans which were contrived, written in the plaintiff's own hand, to create several subdivisions of two lots each. This is the critical piece of information you're being told that this poor man didn't find out until 2000 and didn't realise that he had this great case.

If we then go over to p.6, at the top of the page he writes, "Buchanan lodged ... (reads) ... 4 March

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1980". That means the notices are notices after the 20 February resolution and he knows it because the new notices are dated 4 March 1980 and if we go over to the next page, p.7 at the top of the page, he says this, "The council served a separate ... (reads) ... 79305E-79305K". Within that sequence one would think would be letter G but we don't have to speculate because Mr Buchanan made his own note about plan G - Thompson, I'm sorry.

If we go over to p.10, the note says, "Buchanan therefore approached the council" and this is the letter from Buchanan of 7 March 1980 that says in the last paragraph, "Would it be ... (reads) ... may be lifted". Then if we go forward - I should have read  at the top of p.8, "Mr Buchanan thought he'd exploited ... (reads) ... one plan showing each allotment".

That's at the top of p.8. The bottom of the note says, I think you were taken to 569A by Mr Middleton, his clients note that not one of the plans submitted comply. So he knew that when he made that note. It's no wonder he wasn't very happy about what he thought have been a waiver of privilege.

If we then go forward, because I said to you that he knew about the particular plan which is number (g). If we go forward to C5.

MASTER: Yes, I have it.

MR DELANY: You'll see, "Note on the bottom of the previous box is incorrect as the plans were in fact seven in number". The error however is explained and continued in document discovered in defendant supplementary

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Thompson