

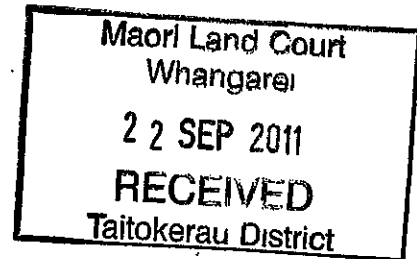
Our Ref: CAS-I15-09/842

Your Ref: A20100008382
21 Taitokerau MB 74



16 September 2011

Francene Beckham
Maori Land Court
Te Taitokerau District
DX Box AX10086
Whangarei 0140



Tēnā koe Francene

Kopuakawau Block – Survey Requisition – Application A20100008382

Please find enclosed a statement from the Surveyor-General and the Registrar-General of Land. This is in response to the Court's invitation at its Chambers hearing on 19 May 2011, as advised in your letter dated 20 July 2011.

I would appreciate you confirming receipt of the statement, by emailing me on ktwydle@linz.govt.nz.

Kia ora

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**STATEMENT BY SURVEYOR-GENERAL AND
REGISTRAR-GENERAL OF LAND FOLLOWING COURT
DIRECTIONS AT 21 TAITOKERAU MB 74**

16 September 2011

Summary

1. As set out below, the documents enclosed with the letter from the Court Registrar dated 20 July 2011 do not alter our report of 20 December 2010, except only for the statements that certain Court records are unavailable.

Background

2. On 3 September 2010 the Court directed the Registrar-General of Land, the Surveyor-General and the Far North District Council to file submissions setting out their preliminary views on the issues referred to at 9 Taitokerau MB 88-90.
3. In a memorandum dated 5 November 2010 counsel for the Registrar-General of Land and the Surveyor-General raised a number of matters, including the apparent existence of relevant documents on the Court's file(s), which counsel asked to be forwarded.
4. On 16 November 2010 one of the Surveyor-General's staff alerted the Court's case manager to a note on ML 9717, being a survey plan of the Kopuakawau Block prepared in 1915 (the survey plan). The note referred to "N.L.C. File ⁶⁸⁰/_{B.1.} Order of investigation of title 22/8/04". The Surveyor-General's staff member suggested that the file may be relevant.
5. The case manager responded on 9 December 2010 with a copy of the survey plan and a copy of an Order made by the Court on 22 August 1904 (the Order). The Order determined the ownership of Kopuakawau Block in terms of a schedule and a sketch plan numbered 21^BBI^S. The schedule was not supplied. A copy of a plan was included with the copy of the Order, but it did not include the above-mentioned number 21^BBI^S. The relationship between the plan and the Order is therefore uncertain.
6. A joint report was filed by the Registrar-General of Land and the Surveyor-General on 20 December 2010 (our report). Our report notes the unavailability of certain Māori Land Court records.
7. A Chambers Minute at 21 Taitokerau MB 74 records that on 18 January 2011 the Court directed the case manager to endeavour to recover the missing Court files.
8. The Chambers Minute also records that two files were eventually located. As recorded at 21 Taitokerau MB 74, on 19 May 2011 the Court made the following directions:

"I direct the case manager to send the tagged pages from the two files [NLC file 680/BI and Order of investigation of title 22/08/04] to the Registrar-General of Land and the Surveyor-General of Land and to explain the content and nature of the rest of the files (in case some of that content may be relevant). I invite the Registrar-General of Land and the Surveyor-General of Land to advise whether this further information alters their report of 20 December 2010 in any way."
9. On 20 July 2011 the Registrar-General of Land and the Surveyor-General received a letter from the Court's case manager (the case manager's letter) which enclosed a copy of 21 Taitokerau MB 74 and a copy of certain other documents (a copy of that letter, including its enclosures, is **attached**). That letter states in paragraphs three and four:

"Firstly, NLC file 680/BI – this file holds ownership records from the Bay of Islands consolidation scheme.
Secondly, Order of investigation of title 22/04/04 – this is in relation to the minutes and title with an attached plan confirming ownership of the block."

10. From the statements made in paragraphs three and four of the case manager's letter, we understand that (except for the documents enclosed with that letter) none of the documents on NLC file 680/BI and Order of investigation of title 22/08/04 are relevant to the issues referred to at 9 Taitokerau MB 88-90. In that regard, we have assumed that the reference in the case manager's letter to "Order of investigation of title 22/04/04" is intended to be a reference to Order of investigation of title 22/08/04.

Analysis of documents enclosed with the case manager's letter

11. A copy of each of the following documents was enclosed with the case manager's letter:
- (a) the Order (also previously supplied by the case manager on 9 December 2010 as noted above);
 - (b) a single-page schedule, showing the names of two Māori owners of Kopuakawau Block and setting out their shareholdings;
 - (c) a plan, as also supplied on 9 December 2010;
 - (d) a hand-written letter in Māori, with a folio reference of 396;
 - (e) two pages of a Schedule of Ownership of Kopuakawau Block, showing succession from the two Māori identified in the schedule in (b). The schedule is identified as "draft only";
 - (f) a single page schedule of owners of Kopuakawau Block, under the heading "Bay of Islands Consolidation Scheme". This may be a final version of the draft schedule in (e), but this is unclear. The schedule refers to Investigation Order 7/4/05.
 - (g) A copy of the Chambers Minute of 19 May 2011.
12. The Order relates to an investigation to identify the owners of the Block, and is presumably the Order of investigation referred to on the survey plan (refer above).
13. The schedule in (b) is presumably the schedule referred to in the Order, which was missing from the copy of the Order supplied by the case manager on 9 December 2010.
14. As noted above, the plan in (c) does not show the number "21^{BI^S}", as referred to in the Order. As also noted above, it is therefore uncertain whether the copy of the plan enclosed with the case manager's letter is the sketch plan referred to in the Order.
15. The copy of the plan supplied by the case manager on 9 December 2010 includes part of a reference panel, which does not appear on the copy enclosed with the case manager's letter. This appears to be due to a reduced scanning coverage. The portion of the reference panel that can be seen on the copy provided on 9 December 2010 shows the scale, and the names of the chief surveyor and the surveyor. The surveyor's name is at the outer limit of the scan, but appears to be H. C. Hooper, who also carried out the survey of Kopuakawau Block some 11 years after the date of the Order.
16. As noted in paragraph 25 of our report, the sketch plan numbered 21^{BI^S} must have been prepared before 22 August 1904 for it to be referred to in the Order made on that date. However, it is unlikely that the plan supplied by the case manager is that old, because the dimensions, area and shape of the Block correspond precisely with the survey plan that was prepared some 11 years after the Order. It is more likely that the plan supplied by the case

manager was prepared by the surveyor as a follow-up to his 1915 survey of Kopuakawau Block.

17. The situation described in paragraph 25 of our report has therefore not changed – it is unclear as to when, why and how the sketch plan referred to in the Order was created.
18. Having regard for the statements made in paragraphs three and four of the case manager's letter, the documents described in items (d), (e) and (f) above are understood to be from the Court's file 680/B.1.
19. Those documents appear to track ownership of Kopuakawau Block. Since that information is not related to the issues referred to at 9 Taitokerau MB 88-90, those documents have not been closely analysed.
20. The documents supplied with the case manager's letter mainly deal with ownership of the land, rather than its spatial extent. Those documents have not assisted with determining how the land comprising Kopuakawau Block was (apparently) included in the 1983 Housing Corporation survey.
21. As paragraph 32 of our report states, none of the available documents record any approval by the Court of the survey plan. This situation has not changed.

Correction of typographical error in our report

22. Our report states in the first sentence of paragraph 36 that the area on SO 52735 was some 10 acres "less" than the area shown on CT 750/184. As is apparent from the footnote and the sentence immediately following that statement, the area on SO 52735 was in fact some 10 acres "more" than shown on CT 750/184. We request you delete the word "less" where it appears in the first sentence of paragraph 36 and replace that word with the word "more".

Yours faithfully



Registrar-General of Land



Surveyor-General

Encl: copy of case manager's letter and attachments (paragraph 9 refers)