

IN THE HIGH COURT OF THE COOK ISLANDS    OA NO: 8-9/2013  
HELD AT RAROTONGA  
(LAND DIVISION)

IN THE MATTER        of applications for compensation for land  
taken by warrant

AND

IN THE MATTER        of applications for Landowners of Tukao,  
Manihiki and the Landowners of  
Tauhunu, Manihiki

**Applicant(s)**

Hearing:                14 August 2015

Appearances:        Mrs C Evans for Crown  
Mrs T Browne for Tauhunu and Tukao Landowners  
Mr W Rasmussen for some Landowners  
Ms Martha Henry for Family of Meripa

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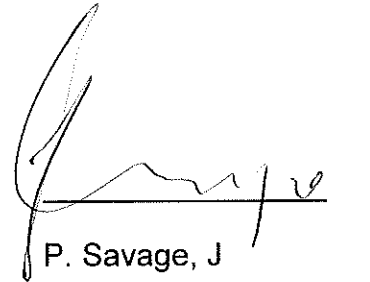
**DECISION OF THE HONOURABLE MR JUSTICE PATRICK SAVAGE**

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- [1] This matter concerns the taking of land at Manihiki for public purposes. Cook Islands Act 1915 set out a very clear process whereby compensation is to be assessed and paid.
- [2] We are dealing with a remote Pacific island. Title has never been investigated and there is a dispute as between the owners as to the identity of the owners, their relative interests and indeed borders between pieces of land.
- [3] There is also a dispute as between the Crown and the owners as to the compensation quantum to be paid – in other words a valuation issue – .
- [4] The Crown as a show of goodwill sought and obtained an Order for payment in, in June of this year. The money has been paid in the sense that a cheque was presented to the Registrar but the Registrar has not presented that cheque to the bank.
- [5] The Crown has it says, assessed who the owners are and what their relative interests are. Three counsel before me, say that that has not in fact been achieved and it is a mystery to them how the Crown has made its calculation.
- [6] If the Crown wants to take the chance and pay some of the owners some money then it can do so but it has taken the stance down to this point that the money is paid in and it will abide by the decision of the Court.



- [7] It now seems to want to take some or most of that money out and simply to pay it to only the people it perceives as owners. I am not sure what the reality is as to Mr Rasmussen's assertion that there is a political motive to this. I put that to one side.
- [8] However, the money is with the Court and it is improper in my view for the Court to in some way aid the Crown in dealing with those monies other than pursuant to s.359 of the Cook Islands Act 1915.
- [9] The application is therefore declined.



P. Savage, J