

19 August 1994

Minister of Energy

**NGAI TAHU: HIGH COURT ACTION RE APPLICATIONS TO MINE
GREENSTONE/POUNAMU**

Ngai Tahu issued proceedings against the Crown in the High Court yesterday to protect its claims to ownership of greenstone. We have yet to receive a copy of these proceedings. We understand however that the proceedings are against you as Minister of Energy and the Minister of Conservation and seek to prevent applications to mine greenstone/pounamu and associated access arrangements from being considered.

How best to deal with existing applications in the light of Treaty of Waitangi claims and what the Crown's obligations and liabilities are under the Mining Act has been a matter of ongoing consideration. At the meeting with the Minister-in-Charge of Treaty Negotiations, the Minister of Conservation, yourself and officials on 1 August, Crown Law were instructed to provide an opinion as to the options open to you as Minister of Energy in respect of applications to mine greenstone, and whether or not enacting legislation to remove the right to apply for a mining licence for pounamu would give rise to any compensation rights.

On the basis of this opinion the Ministry of Commerce undertook to provide an indication of the level of compensation that might be sought.

Attached is a copy of the opinion received from Crown Law.

Withheld
under
Section
9(2)(e)
and 9(2)(f)

withheld
under
section
9(2)(g)(i)
and
9(2)(h)

You have a meeting scheduled with Malcolm Parker from Crown Law, the Ministry's Chief Advisor Legal, Tony Dellow, and myself at 4.00 pm, Thursday 25 August to discuss these matters in detail prior to a response being provided to the Minister-in-Charge of Treaty Negotiations. We should also be in a position by then to brief you further as to the proceedings initiated by Ngai Tahu.

Katrina Bach
Manager Resources Policy