



## Minister of Energy

23 OCT 1997

K J Landaus  
PO Box 56  
COLLINGWOOD

Dear Mr Landaus

Thank you for your letter dated 23 September 1997. I note that you have again raised the issue of section 77 of the Mining Act 1971 which you assert makes provision for a priority right to apply for a further licence. I agree that section 77 gives you the right to apply for a new licence in respect of the area currently covered by your licence however this does not guarantee that you will be granted a new mining permit, only that you can apply for one. Section 77 is unaffected by the Ngai Tahu (Pounamu Vesting) Act.

While I agree that the Mining Act 1971 contains no reference to the principles of the Treaty of Waitangi, any decision on any mining licence application made pursuant to the Mining Act 1971 will have to be made taking into account the fact that the Ngai Tahu (Pounamu Vesting) Act has now been passed and it has the effect of vesting all Crown owned pounamu in the takiwa of Te Runanga o Ngai Tahu and territorial sea adjacent in Te Runanga o Ngai Tahu. Therefore, I have instructed my officials to expedite the process for dealing with all mining licence applications which are awaiting my decision and you can expect to hear from me on this matter shortly.

The moratorium on ~~processing~~ mining licence applications came about as a result of a request from the Waitangi Tribunal that the Crown made in 1989. The Tribunal asked the Crown to cease processing pounamu mining applications until the Tribunal finalised its recommendations concerning the Ngai Tahu claim. As you will be aware, the Waitangi Tribunal in its report, recommended that pounamu in the takiwa of Ngai Tahu be returned to Ngai Tahu.

The Ministry of Commerce wrote to you by letter dated 18 April 1994 with respect to prospecting licence 31 2583 to advise you of this development. As stated in that letter you will be entitled to reimbursement for the costs you have incurred in meeting statutory requirements with respect to both your outstanding licence applications provided you supply

the appropriate receipts. Applicants were given the choice of applying for reimbursement immediately or waiting until the Ngai Tahu (Pounamu Vesting) Act was passed. This offer still stands.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. Bradford', written over a horizontal line.

Hon Max Bradford  
Minister of Energy