



MINISTRY OF COMMERCE
Te Manatū Tauhokohoko

OFFICE OF THE SECRETARY

Our Ref: 31 2583

23 April 1998

*Received
Apr 28 April 1998
[Signature]*

KJ Landaus
PO Box 56
COLLINGWOOD

Dear Sir

PROSPECTING LICENCE APPLICATION 31 2583

In 1989 you applied under the Mining Act 1971 for a prospecting licence to prospect for nephrite.

You will be aware that in 1987 the Ngai Tahu Maori Trust Board submitted a Treaty claim to the Waitangi Tribunal pursuant to the Treaty of Waitangi Act 1975. One of the claims made by Ngai Tahu was that the Crown had wrongfully assumed ownership of pounamu in the Takiwa of Ngai Tahu. The Waitangi Tribunal heard Ngai Tahu's claim, (Wai 27) and released its report and recommendations in 1991. One of the recommendations made by the Waitangi Tribunal was that Crown owned pounamu in the Takiwa of Ngai Tahu should be returned to Ngai Tahu.

As a consequence of these developments, and after receiving legal advice, the Crown decided not to issue any further licences for pounamu in the claim area of Ngai Tahu pending settlement of Ngai Tahu's Treaty claims.

In 1996 a Deed of "On Account" Settlement was executed between the Crown and Te Runanga o Ngai Tahu. As part of this settlement the Crown undertook to introduce legislation giving recognition to the Waitangi Tribunal findings that Ngai Tahu are the guardians of pounamu, it is a taonga to Ngai Tahu and should be returned to them.

You will recall that by letter dated 27 September 1996 you were advised that the Ngai Tahu (Pounamu Vesting) Bill had been introduced and that the Minister of Energy would be unable to grant your prospecting licence application if the Bill was passed but that existing mining privileges would be unaffected by the passing of the Bill.

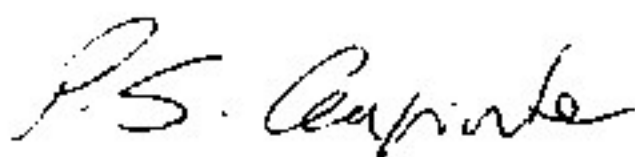
The Ngai Tahu (Pounamu Vesting) Act 1997 is now in force. Section 5 provides that the Minister of Energy shall not grant applications for mining privileges under the Mining Act 1971, or permits under the Crown Minerals Act 1991, in respect of pounamu in the Takiwa

of Ngai Tahu. As your prospecting licence application is for nephrite, which comes within the definition of pounamu contained in section 2 of the Act and the area in which you wish to prospect is within the Takiwa of Ngai Tahu, there is no jurisdiction to grant your prospecting licence application. Accordingly, pursuant to section 104A of the Mining Act 1971, your application is declined.

As advised in a letter from my predecessor to you dated 27 September 1996, you will be entitled to a refund of your application fee. If you have incurred statutory costs you may apply to be reimbursed for these. You will be required to provide receipts as proof of costs incurred. The Crown Minerals Permitting Unit of the Ministry of Commerce is happy to provide assistance in this matter.

If you still wish to prospect for nephrite in the area covered by your application you will need to obtain permission from the new mineral owner, Te Runanga o Ngai Tahu. I suggest you write to Anake Goodall, Claims Manager, Te Runanga o Ngai Tahu, PO Box 13 046, Christchurch.

Yours sincerely



Paul Carpinter
Secretary of Commerce