

17 June 2004

Dear Mr Winfield

**Mining License 32 3021 (Mining Act 1971)  
K.J. Landaus & S. McKay**

In your letter of reply dated 10 June 2004, you have confirmed the opinion as earlier stated by the Minister and the Ministry, that license applications could no longer be accepted for minerals classified as pounamu.

You also state that Section 43 of the Mining Act 1971 is no longer applicable because the above license has expired and the mineral is now vested with Te Runanga o Ngai Tahu.

Once again please appreciate that the timeline is important when considering these matters.

With regard to my attempt to apply for a new license under Section 77 of the Mining Act 1971.

This license remained current (an existing privilege) when I advised Mr Fowke, the Manager of Crown Minerals my intentions and requested application forms pursuant to Section 77 and Section 43 of the MA 1971, in August 1997, 28 months prior to the expiry date and two months prior to the enactment of the vesting Act.

Both by phone calls and in a letter of reply dated 7 October 1997, Mr Stigley, Permitting Manager, advised me that I would have to apply to Te Runanga o Ngai Tahu. His interpretation of Section 77, MA 1971 was to say at the least, unbelievable.

In a letter dated 6 May 1997, the Minister of Energy replying to Damien O'Connor on my behalf, stated that a mining license cannot be renewed and that the right of priority under Section 77 of the MA 1971 has not been preserved under the Crown Minerals Act 1991.

As you are aware, I hold many other letters that state the same things.

In your letter of 10 June you basically advised me of the same.

It is considered as irrelevant that the application could be granted or declined for any particular mineral sought on the specific land.

The point is that my rights were denied by the Crown prior to the enactment of the Ngai Tahu (Pounamu Vesting) Act 1997 and the period 30 days prior to the expiry date of this license, thus causing extreme disadvantage to my accorded priority over other persons in legitimately applying for a new license.

I allege that a new application in the process would have further established my rights to have the new owners of any minerals applied for, consider this right and application in any future transaction of mineral ownership and the perhaps the rights thereof to mine or extract it.

Do you not consider, the Crown therefore have denied me the right to apply for a new licence on that land for whatever mineral I wished to mine by not responding to my written requests and by since refusing to recognise that these rights were also allowed for pursuant to the particular provisions in the Crown Minerals Act 1991 and the Ngai Tahu (Pounamu Vesting) Act 1997 regardless of the actual vesting of the mineral ownership.

As you are aware, Section 43 of the MA 1971, especially subsection (2), is specific to the express reservation of rights to the holder of the existing mining license and that any Crown grant or conveyance shall contain express reservation of these rights.

These rights include those provisions in Section 77 of the MA 1971.

Section 4 (1) of the Ngai Tahu (Pounamu Vesting) Act 1997 provided for these rights although not expressly as provided in the MA 1971.

Section 5 of the Ngai Tahu (Pounamu Vesting) Act 1997 seems to revoke these rights and obligations included in the provisions of Section 4 (1), but by including "Notwithstanding anything in the Crown Minerals Act 1991" in that Section and also stating " Notwithstanding any other enactment" in Section 3, it must be considered that an application for a new license or permit must be accepted and processed according to the Crown Minerals Act 1991 and the Mining Act 1971, irrespective of the intention of the Ngai Tahu (Pounamu Vesting Act.

In other words my rights accorded under the Mining Act 1971 allegedly should have had a transitional effect accordingly.

I have notified the Ministry of this in the past.

I have included a copy of my statements of claim for your information which may help you understand my position on matters generally.

I passed over a copy of this to Glenhorrow Holdings directors in 1991.

Yours faithfully

Kenn Landaus