

20 May 2004

Kenneth J Landaus  
R D 2, Tukuruia  
Takaka  
**GOLDEN BAY**

Dear Mr Landaus

**PROSPECTING LICENCE 31 2583 – K J LANDAUS**

I refer to your letter of 12 May 2004 in which you have asked a series of questions relating to your prospecting licence application 31 2583 which was declined on 23 April 1998. The majority of these questions have been asked in one form or another in previous correspondence between yourself and the Ministry, however, I will respond to your questions in the order set out in your letter.

1 Your prospecting licence application was accepted for processing on 18 April 1989. As the application area included land administered by the Department of Conservation ("DOC"), the consent of the Minister of Conservation was required pursuant to section 26(4) of the Mining Act 1971. DOC advised that as the Waitangi Tribunal was currently deliberating on the Ngai Tahu claim, part of which dealt with the greenstone resource, the department considered that it would be inappropriate to make any decision in respect of this application until the final recommendation of the Tribunal had been made. The Waitangi Tribunal released its report and recommendations in 1991. One of the recommendations 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 or permits for pounamu pending settlement of Ngai Tahu's Treaty claims. Your application was therefore unable to be progressed beyond the preliminary stages until the promulgation of the Ngai Tahu (Pounamu Vesting) Act 1997 at which time it was declined.

2 Prospecting licence application 31 2583 could not be granted within the terms of section 109(1) because of the matters discussed above. Other mining privileges applications that were granted during this period were either much further advanced in the processing cycle or involved other minerals that were not subject to the pounamu moratorium.

3 You were never notified regarding a section 109 extension because there is no record that an extension was ever granted. You were however notified on a number of occasions of the reasons for the delay in processing. I note that you question why DOC did not lodge an objection. This reasons for this was because your application never reached the stage where it was advertised for objections and DOC never made a decision regarding consent prior to the Crown's decision to no longer grant mining

privileges for pounamu.

4 The Ngai Tahu (Pounamu Vesting) Act 1997 section 5 expressly states that notwithstanding anything in the Crown Minerals Act the Minister of Energy must not grant any permit under the Crown Minerals Act irrespective of whether an application was lodged prior to the enactment of the 1997 Act and any mining privilege pursuant to an application to which section 112 of the Crown Minerals Act relates. You will be aware that section 112 relates to existing applications under the Mining Act 1971. Your application was lodged under the Mining Act 1971 and subsequent declined under section 104A of that Act.

5 This query raises essentially the same as points addressed earlier in this letter. I refer you to my response to points 1 and 3 above.

6 Section 240A of the Mining Act does not apply to section 104A of the Act. The Secretary of Commerce declined your prospecting licence pursuant to section 104A of the Act under delegated authority from the Minister of Energy.

Yours sincerely



Barry Winfield  
Senior Advisor, Petroleum & Minerals Policy