

05 July 2005

Hon Harry Duynhoven  
Associate Minister of Energy  
Parliament Buildings  
Wellington

Dear Sir

**Your letter dated 30 June 2005 - Statutory Costs**

I have disregarded the offer in your letter because I have to consider that it is an intentional insult of my intelligence.

I think I deserve a little more respect than that sir and especially after arguing my case for 16 years now.

Please remember I am 55 years old and have been dealing directly with New Zealand mining law for nearly 30 years.

With respect, as Associate Minister of Energy surely you well realise the Crown have a statutory liability on all the leading issues I have raised to date.

Because the Crown has since introduced new legislation that may help alleviate any future claims and the courts have ruled on the Glenharrow case, it does not mean that these events have altered the Crown's statutory liability for intentionally providing me with misleading information, incorrect interpretation and not carrying out their statutory responsibilities on my three applications accordingly.

I also have a statutory right to object and appeal the Ministry's so called statutory decisions, including the content of the letter I have just received from you, because my applications are lawfully still unresolved.

By the Crown later having to amend the Acts, proves this beyond all doubt, notwithstanding the fact that it was I who originally pointed out the statutory interpretation discrepancies by the Minister and Ministry officials. I hold the letters to prove this.

As a complainant and applicant under the statutes and one who has been offered reimbursement of statutory costs from the highest authorities, in recompense, I henceforth ask your Ministry to fund a judicial review accordingly as part of my statutory costs the Crown have created for me in the processes up to this point in time.

If the Ministry have indeed interpreted all matters legally correct as they say they have, then you will have nothing to fear and my case will be resolved once and for all.

A judicial review would be directly related to all three applications. All three were denied during a statutory application cost process and prior to the Ngai Tahu (Pounamu Vesting) Act 1991. Directly or indirectly all three were denied, because of the pending grant of minerals to other private concerns by the Crown.

s103D and E of the Mining Act 1971 (Variation of Conditions), provided some recourse for me to object to the Ministry's ruling that an application for a new licence pursuant to ML 32 3021 and subject to s108, s77, s43 of that Act, would not and could not be granted before or after the enactment of the vesting act.

As a footnote on your letter, my claims for compensation were based on the Crowns alleged breach of the statutes rather than my economic loss, as you and your predecessors have continually stated and I noticed survey costs etc were not mentioned.

Before the coming election I would also wish to ascertain whether the labour government is prepared to rectify an injustice created by a previous national party government.

I have forwarded a copy of your letter and this one to Hon. Damien O'Connor.

Yours sincerely

Kenn Landaus