

6 September 2005

Hon Harry Duynhoven
Associate Minister of Energy
Parliament Buildings
Wellington

Dear Sir

**Nephrite Licensing and Vesting Act Issues
Entitlements under Section 43 of the Mining Act 1971**

With the General Elections looming and not knowing the outcome of your position soon, with all due respect I wish to express to you my concerns regarding my joint mining license 32 3021 which I consider still remains unresolved with the Crown.

As the Ministry is aware, I allege the Crown failed in their statutory responsibilities by not adhering to the provisions of section 43 of the Mining Act 1971 (General Provisions). Section 43 required that an express reservation of rights be provided for in any Crown grant or conveyance. This includes all those rights in the Mining Act 1971 and in the specific license document. These rights primarily relate to the land and statutory entitlements of the license contract.

Section 4 of the Ngai Tahu (Pounamu Vesting) Act 1997 does make some provision for protecting the license until it expires but does not provide for express reservation for all rights including the right of priority to apply for a new license to be granted before other persons for up to 42 years on the specific land nor does it specify all the other benefits that the Mining Act 1971 or the Crown Minerals Act allowed for. For example, as in the case with section 229 (MA1971), whereby the Crown denied me the opportunity to apply for assistance over new discoveries not only for nephrite but many other newly discovered minerals because I had been continually advised that my license and other applications would not be adversely affected. Even the Prime Minister's of the day stated this. This matter also relates to my PLA.

Regardless of the outcome of the Glenharrow case in later years and your formulation of the provisions within the Crown Minerals Amendment Act 2003, the fact remains that amongst other entitlements, I was illegally denied my legitimate right to apply for a new license during this time because section 43 was ignored by the Crown and my request for an application 27 months before the expiry of my license was also totally ignored and when questioned, I was told by the Ministry in writing that I would have to apply to Te Rananga o Ngai Tahu if I wished to make an application.

Please remember that this all happened while my rights provided under the Mining Act 1971 and in particular section's 69 and 77 remained current.

Because the Ngai Tahu (Pounamu Vesting) Act 1997 did not contain these specific reservation of rights and because this Act specifically states: "Notwithstanding anything in the Crown Minerals Act 1991" and section 43 (1) of the Mining Act 1991 provides that a license shall not be injuriously affected, then I allege, as I have since its inception, that the Crown should have legally recognised the rights of existing licensees who were denied application while their licenses remained current. It was not the responsibility of Ngai Tahu to accept applications it was the Crown's, because the Mining Act 1971 legally took precedent with an existing license.

Because this was binding on the Crown they should have accepted responsibility by allowing this right to continue whether or not the minerals were granted to other parties or alternatively, made amends by reparations to the licensee or applicants.

My entitlements and rights were clearly revoked before the pounamu vesting enactment by the Crown, therefore I must consider the Ministry have breached this statutory contract provided by way of the Mining Act 1971 and the Transitional Provisions of the later Crown Minerals Act 1991.

'Your' Crown Minerals Amendment Act 2003 can only be considered as a giant attempt to convert the course of natural and statutory justice because it tries to cover all these matters up and by enacting them proves this beyond reasonable doubt.

I feel the Ministry have capitalised on the fact that most people do not understand the mining laws and especially parliamentarians.

I started out by discovering billions of dollars worth of natural resources for our country and abided by the mining acts of the day and the statutory promises they made to people like me.

I got penalised for helping create something from those discoveries to memorise my father and many others who fought and defended our country at war.

I personally expended in excess of \$2m in my work in South Westland and beyond.

The Crown removed greenstone illegally from my license area, they also removed stone from another site illegally and they now have denied me all my statutory rights. Notwithstanding the personal loss of having half a lifetimes work and dedication given to other persons.

The present alleged thefts prove that my discoveries were massive and valuable and the persons involved were the only other persons who knew the exact whereabouts of them. Ask yourself, why did all this never occur in the past, the reason is simple.

It wasn't until they heard that I had discovered all this stone that they made every endeavour to obtain it.

The same case with Ngai Tahu.

I feel it appalling that your Government have made every endeavour to deny a very few existing licensee's and applicants some reparation for their efforts, rights and personal investments in our resources, while on the other hand you have expended many millions of tax payers money and assets to other parties for political gain.

I leave it with you, but please be assured that those that have designed all this will be well recognised at the end of the day.

Yours sincerely

Kenneth J Landaus

Copies to :

Rt Hon. Helen Clark PM

Rt Hon. Don Brash, MP

Hon. Damien O'Connor MP