



SIMPSON GRIERSON
LAW

14 June 1995

Mr Steve Wilton
Forest Enterprises Limited
P O Box 128
Masterton

Partner Reference
G B Wong

The Impact of Treaty of Waitangi Claims

1. You have asked us to advise on the effect of potential Maori claims under the Treaty of Waitangi over any forest land promoted by Forest Enterprises Limited.
2. The Waitangi Tribunal has no jurisdiction to hear claims relating to private land, except land which has been held by a state owned enterprise ("SOE"). So long as Forest Enterprises does not purchase land from the Crown, or a Crown entity, and the land has never been owned by a SOE, there is no risk that it must be returned to Maori ownership pursuant to a Treaty of Waitangi claim.
3. Private land is defined under section 2 of the Treaty of Waitangi Act 1975 as any land held by a person other than the Crown or a Crown entity (within the meaning of the Public Finance Act 1989).
4. To date all forest land that has been acquired by Forest Enterprises Limited is private land as so defined.
5. The Treaty of Waitangi Act further provides at section 6(4A) that, subject to the special treatment of SOE land, the Tribunal has no power to recommend:
 - (a) the return to Maori ownership of any private land; or
 - (b) the acquisition by the Crown of any private land.
6. Land, presently owned by Forest Enterprises, or owned by the partnerships of qualifying companies promoted by Forest Enterprises, is legally protected from claims by Maori to the Waitangi Tribunal. The land is private land and outside the jurisdiction of the Waitangi Tribunal.

Yours faithfully
SIMPSON GRIERSON


Gordon Wong

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BARRISTERS & SOLICITORS

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