



Crown Forest Assets Act 1989

- Citation:** No 99
Date of Assent: 25 October, 1989
Commencement: Date of Assent
- Repeal:** Still in Force
Amendments: 1992, No 135.
 1993, No 78.
- Type of Legislation:** Public
Subject: Forestry
 Wahi Tapu & Non Tangible Resources
 ToW/Principles of ToW reference
- Relevant Sections:**
- s2: Definition of Crown Forest Assets.
 - s4: All Crown Forest land is subject to this Act.
 - s8: Minister may, in accordance with good business practice, acquire easements, grant leases, transfer or exchange interests in the Crown forest assets.
 - s11: Responsible Ministers may transfer Crown forestry assets to any person for such consideration as they may agree.
 - s14: Crown forestry licences may be issued.
 - s18: Every Crown forestry licence shall where appropriate include... c) protective covenants for sites having particular historical, spiritual, emotional or cultural significance, e) covenants relating to forest research areas and Wahi Tapu. The terms of these protective covenants to be determined by Ministers after consultation with any Maori whom they think may have an interest.
 - s23: Where licensed land is returned to Maori ownership the licensor may require the review of protective covenants.
 - s28: Review of public access easement on return of land to Maori ownership.
 - s34: Crown shall establish by deed a forestry rental trust. All licence fees payable under licences shall be collected by the Crown and paid into an account held by the trust.
 - s35: The Crown shall not dispose of any Crown forest land that is subject to a Crown forest licence except in accordance with s8. Crown shall not sell, assign etc. any interests in any Crown forestry licence unless the Waitangi Tribunal has made a recommendation under s8HB(1)(b) or (c), s8HE of the Treaty of Waitangi Act 1975 (as inserted by this Act).

Relevant Sections, Commentary and Cross Reference continued next page



s36: Return of Crown forest land to Maori ownership and payment of compensation.

s37: Recommendation by Waitangi Tribunal that Crown forest land not liable to return to Maori ownership.

ss38 - 41: Amendments to the Treaty of Waitangi Act 1975.

First Schedule: Compensation payable under *s36* to Maori.

Second Schedule: Maori owned land that is not Crown forest land.

Commentary: This Act enables the Government to sell cutting rights in State forests but not the land on which forests stand. In recognition of existing and likely Maori claims to the Waitangi Tribunal, the ground rent received for the forest lands after cutting rights sales is to be paid to the Crown Forestry Rental Trust. The Trust Fund thus established will eventually be distributed to Maori claimants and/or to the Crown in accordance with binding recommendations of the Waitangi Tribunal as to who are the confirmed beneficiaries of licensed land. Meanwhile, interest earned by the Trust Fund is to be used to assist Maori in the preparation, presentation, and negotiation of claims before the Waitangi Tribunal involving licensed land. The Act was passed after the NZ Maori Council's successful legal challenge to the Government's initial forest assets sales proposals.

Cross Reference: NZPD vol 499 (1989) 11625 - 11641
NZPD vol 502 (1989) 12992 - 13021, 13252 - 13255, 13311 - 13324
NZ Maori Council v Attorney-General [1989] 2 NZLR 142
(Court of Appeal).