

AGRIBUSINESS & RURAL LAW

YOUR PARTNER ON THE GROUND



Wynn Williams has partnered with the farming community for more than 150 years. While the face of farming has changed considerably, our commitment to the sector is stronger than ever.

Our specialist team provides legal services to private family farms, public companies, offshore clients, and other rural investment entities.

Agribusiness continues to be the leading contributor to New Zealand's export economy.

In a small country such as New Zealand, successful agribusiness relies on the ability to understand the operation of competitive global markets. Our specialist team at Wynn Williams can provide the legal services needed to understand all facets of business operations that make up the agricultural sector.

We have a wealth of knowledge across the dairy, forestry, transport, water and meat industries.

We can provide advice on every aspect of the sector – from purchase to intellectual property, financing, public listing and investment in this country and offshore parties.

Work we regularly do for our clients includes:

- Farm sales, purchases and finance
- Agribusiness, dairying and equity partnerships
- Primary industry technology
- Family farm ownership, structuring and succession planning
- Rural land law issues
- Resource management
- Forestry and emissions trading scheme
- Water issues
- Employment and Health & Safety
- Insurance
- Tourism development
- Overseas investment
- Litigation and dispute resolution

AGRIBUSINESS, DAIRYING AND EQUITY PARTNERSHIPS

Our Rural Team provides comprehensive commercial expertise to the agribusiness and corporate farming sectors. Our advice covers areas such as commercial and trading structures and strategies, company law, equity partnerships, capital raising and commercial securities issues.

We advise on the establishment of joint ventures and special partnerships for dairying, general farming operations and primary sector businesses including:

- Securities Act issues;
- shareholders' agreements and related constitution documents;
- implementation of financing structures;
- governance and management structures and agreements; and
- systems for entry/exit of participants from the venture.

Our involvement has spanned the full range of rural based activities including: arable and sheep and beef operations; dairy farming and conversions; cropping; horticulture; marine farming; share milking arrangements; dairy co-operatives and the New Zealand Dairy Board; irrigation companies and schemes; dairy product manufacturing and milk supply agreements; agricultural engineering; rural transport operations; and restructuring companies for raising capital from the public.

We also have expertise at the other end of the business lifecycle:

- insolvency situations and the appointment of receivers;
- restructuring ownership and operational structures to address identified problems; and
- managing disputes between shareholders and facilitating the exit of partners.

FARM SALES, PURCHASING AND FINANCE

Each year, Wynn Williams is privileged to act for farmers involved in a wide range of farm transactions. We understand that often the transaction is more than a land sale; it represents a major event in our clients' lives.

Our team advises on all aspects of sales and purchases of freehold and leased farm land, agribusiness, and associated interests in irrigation and dairy companies. We're also involved in a wide range of farming finance and related business transactions including farm purchase due diligence, finance agreements and securities and irrigation company arrangements.



PRIMARY INDUSTRY TECHNOLOGY

Our Rural Team has significant commercial expertise and interest in trading and technology development; and is closely involved with the export sector in the South Island.

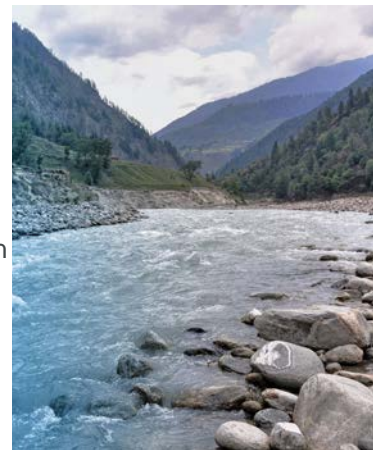
Some of our recent projects include:

- Joint venture based collaborative research and development projects in the primary industry and technology sectors involving funding, input of expertise and allocation of rights to the end results.
- Establishing contracts to manage long supply chains to process and manufacture primary products into high quality goods, particularly in the wool industry.
- Assisting growing exporting companies to raise capital to expand and enter new markets.
- Negotiating supply contracts in many countries across the globe for research and development services, bio tech and nutraceutical products and products which represent our essential clean green Kiwi ideals.

RESOURCE MANAGEMENT

A significant factor in agribusiness is resource management. Wynn Williams has one of the largest resource management teams in the South Island. We can assist with all resource management issues - ranging from the initial planning stages of a transaction, applying for resource consents, dealing with disputes and Resource Management Act compliance. Some examples of our recent involvement include:

- Rural land use and changes in use, rezoning and subdivision issues.
- Water issues including water take consents, bore consents, and the construction of water storage structures.
- Gravel excavation and clean filling consents.
- Discharge consents and effluent disposal issues.
- Forestry consents.
- The development and construction of buildings and other facilities.
- District and Regional Plan reviews and submissions on district plan provisions affecting activities on rural properties.
- Environment Court appeals relating to:
 - Specific consent applications.
 - Outstanding landscape areas and coastal protection areas in rural zones.
 - Groundwater and surface water takes including providing advice to Environment Canterbury in relation to its role as head consent authority for Project Aqua.
 - Chicken and pig farming developments.
 - Marine farming issues.



RURAL LAND LAW ISSUES

Wynn Williams has a comprehensive understanding of rural property issues and can provide legal services relating to the full range of technical land issues involved in farming and agriculture, some which include:

- Farm land lease renewals
- Sale and purchase and leasing agreements
- Territorial Authority land issues including leases and allocation of land for specific purposes.
- Pastoral leases and special types of leases such as University of Canterbury Leases.
- Tenure review and creation of legal interests.
- Subdivisions
- Easements and access issues.
- Access by power transmission companies over rural land.
- Dry river bed claims by adjoining land owners by accretion and AMF rights.
- Forestry Rights and Carbon Credit issues.



EMPLOYMENT AND HEALTH & SAFETY

Farming and Agribusiness today sees successful operations employing thousands of people nationwide.

With that, a range of employment law and health and safety issues need to be dealt with properly.

Wynn Williams has an experienced employment law team which can assist at all stages of the employment relationship.

We provide advice and services relating to employment agreements, contractor relationships, and any issues along the way including avoiding disputes and personal grievances (or dealing with the unavoidable).

Our expertise also extends to health and safety and WorkSafe issues. We have represented many farming operations and other employers in health and safety matters including advisory work and defense of prosecutions.

INSURANCE - MATERIAL DAMAGE & BUSINESS INTERRUPTIONS

Wynn Williams has for some time been an industry leader in the specialised field of insurance law. Our team is readily available to assist our rural clients when required. We can advise on all issues relating to the terms of insurances, responses to a specific claim situation such as material damage, business interruptions and income protection.

We understand the importance of accessibility, clarity and promptness for policyholders and strive to make ourselves available when the need arises.

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CHRISTCHURCH | AUCKLAND

FAMILY FARM OWNERSHIP, STRUCTURING AND SUCCESSION PLANNING

Family farming operations have been the cornerstone of our firm for generations. Our long history in farming means we have seen farms handed down within families across a range of circumstances.

We advise on legal structures relating to farm land and business ownership including asset protection and company and joint venture structuring, trusts, wills and powers of attorney involving a number of major corporate farming ventures.

Where families are involved, we can assist with succession planning between generations including:

- The introduction of younger generations into family farming operations.
- Establishing trust structures to hold farms for the benefit of future generations.
- Options to recognise the interests of other family members who may not take over the family farm.
- The content of farming family members' Wills to preserve the family farm and take into account the interests of all family members.
- Powers of Attorney.
- Retirement from farming.

LITIGATION AND DISPUTE RESOLUTION

Our Litigation team provides representation in all of the Courts of New Zealand, as well as assisting to resolve disputes by direct negotiation, arbitration and mediation. Due to our strong links to the rural sector, we have considerable experience in dealing with a range of disputes that can arise across the wide range of farming-related activities. Some examples include:

- Disputes over leases and share-milking arrangements.
- Contract based disputes (e.g. arising out of drilling of seed for crops, disputes over quality of stock sent to the freezing works, and damage caused to a bore pump from work on a well).
- Contract and negligence claims involving people working in the full range of rural based activities including vets, stock agents, valuers, and real estate agents.
- Disputes within farming families regarding the terms of wills (e.g. leaving the farm to specific family members to the exclusion of others, or claims made against a deceased estate).
- Advising employers and others in the handling of WorkSafe NZ investigations, right from the time a workplace incident occurs and through the investigation and interview phase. If an investigation does result in a prosecution, our litigators have significant experience in managing and defending prosecutions.
- Relationship property claims involving farming families on separation.
- Criminal defence and prosecution work on issues arising out of the Resource Management Act and a raft of other legislation affecting rural operations (e.g. the spread of an inadequately controlled high country fire to a neighbouring property; a high profile prosecution arising out of the collapse of the partially built Opuha dam and the damage the resulting flood caused to downstream farmers as well as the Opuha river system).
- Claims for compensation under the Forest and Rural Fires Act.

OVERSEAS INVESTMENT / DOING BUSINESS IN NEW ZEALAND

Rural properties in New Zealand continue to be an attractive option for overseas investors. Wynn Williams has a great deal of experience in advising overseas companies and individuals on investing in land and businesses in New Zealand.

Our lawyers use their global contacts to stay current with investment trends and to promote opportunities in New Zealand. We are the only New Zealand Members of the State Capital Group which provides access to more than 140 firms around the world.

We have strong links with a number of large real estate agents and the ANZ and can provide referrals to the best advice.

TOURISM DEVELOPMENT

Tourism is one of New Zealand's single largest export earning industries and recent years have seen a growing interest in developing high quality tourism facilities in some of New Zealand's most spectacular locations. Wynn Williams has been involved in several such developments, including:

- The establishment of game ranches and hunting safari operations on high country properties.
- The development of the infrastructure required for operations such as hunting lodges and their associated regulatory requirements e.g. hydropower schemes, water takes, sewage disposal, tracking and earthworks, and gravel extraction.
- Dealing with issues relating to the ecology of the area and access by the public to high country land and to waterways. Liaison with Department of Conservation, Fish & Game and the QEII Trust relating to those issues.



OUR AGRIBUSINESS & RURAL LAW TEAM

If you need assistance with a legal matter, please get in touch with any of our team below.



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