



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Waitangi Tribunal</p> <p>3. Deputy Chairperson</p>	<p>4. Appointment of Judge not to affect tenure, etc</p> <p>5. Continuation in office of Chairperson of Tribunal</p>
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1998, No. 113

An Act to amend the Treaty of Waitangi Act 1975

[11 December 1998

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Treaty of Waitangi Amendment Act 1998 and is part of the Treaty of Waitangi Act 1975 (“the principal Act”).

(2) This Act comes into force on the date on which this Act receives the Royal assent.

2. Waitangi Tribunal—(1) Section 4 (2) of the principal Act is amended by repealing paragraph (a) and substituting the following paragraph:

“(a) A Judge or retired Judge of the High Court or the Chief Judge of the Maori Land Court; and the Judge is both a member of the Tribunal and its Chairperson, and is appointed by the Governor-General on the recommendation of the Minister of Maori Affairs made after consultation with the Minister of Justice:”

(2) Section 4 of the principal Act is amended by inserting, after subsection (2A), the following subsections:

“(2B) The Chairperson of the Tribunal appointed under subsection (2) (a) holds office for such term not exceeding 5 years as the Governor-General specifies in the instrument

appointing that Chairperson, and the Chairperson may from time to time be reappointed.

“(2c) Where the Chairperson of the Tribunal is the Chief Judge of the Maori Land Court and he or she ceases to hold office as Chief Judge during the term of his or her appointment as Chairperson, that person’s appointment as Chairperson also ceases at that time.”

3. Deputy Chairperson—Section 4A (1) of the principal Act is amended by inserting, after the word “Judge”, the words “(including the Chief Judge)”.

4. Appointment of Judge not to affect tenure, etc—The principal Act is amended by repealing section 4B, and substituting the following section:

“4B. The appointment of a Judge as Chairperson, the deputy of the Chairperson, or as a member of the Tribunal, or service by that Judge as Chairperson, the deputy of the Chairperson, or a member of the Tribunal, does not affect the Judge’s tenure of the judicial office or the Judge’s rank, title, status, precedence, salary, annual or other allowances or other rights or privileges as a Judge (including those in relation to superannuation) and, for all purposes, the Judge’s service as a member is service as a Judge.”

5. Continuation in office of Chairperson of Tribunal—The person who holds office as Chairperson at the commencement of this Act continues in office until such time as that person vacates office as Chief Judge of the Maori Land Court, but may be appointed Chairperson of the Tribunal under section 4 (2) (a) of the principal Act (as substituted by section 2 (1) of this Act).

Thus Act is administered in Te Puni Kōkiri.
