



Te Ture Whenua Maori Amendment Act 2004

Maori Land Amendment Act 2004

Public Act 2004 No 48
Date of assent 19 May 2004
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is—
 - (a) Te Ture Whenua Maori Amendment Act 2004; or
 - (b) the Maori Land Amendment Act 2004.
- (2) In this Act, Te Ture Whenua Maori Act 1993 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Appointment of Judges

- (1) Section 7 of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(2AA) For the purposes of subsection (2),—

- (a) a Judge who is acting on a full-time basis counts as 1:

- “(b) a Judge who is acting on a part-time basis counts as an appropriate fraction of 1:
- “(c) the aggregate number (for example, 7.5) must not exceed the maximum number of Judges that is for the time being permitted.”
- (2) Section 7 of the principal Act is amended by repealing subsection (6), and substituting the following subsection:
- “(6) A Judge must not undertake any other paid employment or any other office (whether paid or not) unless the Chief Judge is satisfied that the employment or other office is compatible with judicial office.”

4 New section 7A inserted

The principal Act is amended by inserting, after section 7, the following section:

“7A Judges act on full-time basis but may be authorised to act part-time

- “(1) A person acts as a Judge on a full-time basis unless he or she is authorised by the Attorney-General to act on a part-time basis.
- “(2) The Attorney-General may, in accordance with subsection (4), authorise a Judge appointed under section 7 or section 8 to act on a part-time basis for any specified period.
- “(3) To avoid doubt, an authorisation under subsection (2) may take effect as from a Judge’s appointment or at any other time, and may be made more than once in respect of the same Judge.
- “(4) The Attorney-General may authorise a Judge to act on a part-time basis only—
- “(a) on the request of the Judge; and
- “(b) with the concurrence of the Chief Judge.
- “(5) In considering whether to concur under subsection (4), the Chief Judge must have regard to the ability of the Court to discharge its obligations in an orderly and expeditious way.
- “(6) A Judge who is authorised to act on a part-time basis must resume acting on a full-time basis at the end of the authorised part-time period.
- “(7) The basis on which a Judge acts must not be altered during the term of the Judge’s appointment without the Judge’s consent,

but consent under this subsection is not necessary if the alteration is required by subsection (6).”

5 New section 12A inserted

The principal Act is amended by inserting, after section 12, the following section:

“12A Judges to have immunities of High Court Judges

The Judges have all the immunities of a Judge of the High Court.”

6 Salaries and allowances of Judges

Section 13 of the principal Act is amended by inserting, after subsection (2), the following subsections:

“(2A) The salary and allowances payable for a period during which a Judge acts on a part-time basis must be calculated and paid as a pro-rata proportion of the salary and allowances for a full-time equivalent position.

“(2B) For the purpose of subsection (2), the payment of salary and allowances on a pro-rata basis under subsection (2A) is not a diminution of salary.”

Legislative history

12 May 2004	Divided from Judicial Matters Bill (Bill 71–2) as Bill 71–3K
13 May 2004	Third reading
19 May 2004	Royal assent

This Act is administered in Te Puni Kokiri.
