



Treaty of Waitangi Amendment Act 1988

Citation: No 232
Date of Assent: 21 December, 1988
Commencement: Date of Assent

Repeal: Still in Force

Amendments: –

Type of Legislation: Public

Subject: Govt Admin Specific to Maori/Maori Land
 Maori Land Court: Structures & Jurisdiction

Relevant Sections:

s2: Amends *s4*. Tribunal to consist of MLCt Chief Judge and up to 16 members who are appointed having regard to the partnership between the 2 parties to the Treaty and to a person's knowledge of matters likely to come before the Tribunal.

s3: Inserts new sections...

- *s4A* – Deputy Chairperson
- *s4B* – Appointment of Judge not to affect tenure etc.

s4: Inserts new section...

- *s6A* – Where a question of fact concerning Maori custom or usage, rights of ownership by Maori of land or fisheries according to customary law principles of "take", or determination of Maori tribal boundaries arising in any proceedings before the tribunal, the tribunal may refer that question to the Maori Appellate Court for decision. Questions relating to the Maori or group of Maori to whom any former State enterprise land is to be returned, may be referred to the Maori Land Court for decision.

s6: Substitutes new clauses (1 - 4) to the Second Schedule of the principal Act.

Commentary: This Act makes changes to the Waitangi Tribunal to enable it to cope with the expected increased workload resulting from the Treaty of Waitangi (State Enterprises) Act 1988. The membership of the Tribunal is increased, the requirement of a Maori majority in the membership is dropped and divisions are established. The Tribunal is given the power to state a case to the MLCt or the Maori Appellate Court to decide on disputes between Maori claimants relating to customary rights.

Cross Reference: NZPD vol 488 (1988) 4017 - 4028
 NZPD vol 492 (1988) 6611 - 6616
 NZPD vol 494 (1988) 7927 - 7933, 8217 - 8224
 NZPD vol 495 (1988) 8525 - 8536, 8861 - 8872.