

Treaty of Waitangi Amendment Act 2006

Public Act 2006 No 77
Date of assent 12 December 2006

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act amended	2
4 Interpretation	2
5 Jurisdiction of Tribunal to consider claims	2
6 New section 6AA inserted	2
6AA Limitation of Tribunal's jurisdiction in relation to historical Treaty claims	2
7 Schedule 2 amended	3

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Treaty of Waitangi Amendment Act 2006.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Treaty of Waitangi Act 1975.

4 Interpretation

Section 2 is amended by inserting the following definitions in their appropriate alphabetical order:

“**historical Treaty claim** means a claim made under section 6(1) that arises from or relates to an enactment referred to in section 6(1)(a) or (b) enacted, or to a policy or practice adopted or an act done or omitted by or on behalf of the Crown, before 21 September 1992

“**submit**, in relation to a historical Treaty claim, means submitted in accordance with a practice note made by the Tribunal under clause 5(10) of Schedule 2.”

5 Jurisdiction of Tribunal to consider claims

Section 6 is amended by repealing subsection (2) and substituting the following subsection:

- “(2) The Tribunal must inquire into every claim submitted to it under subsection (1), unless—
- “(a) the claim is submitted contrary to section 6AA(1); or
 - “(b) section 7 applies.”

6 New section 6AA inserted

The following section is inserted after section 6:

“**6AA Limitation of Tribunal’s jurisdiction in relation to historical Treaty claims**

- “(1) Despite section 6(1), after 1 September 2008 no Maori may—
- “(a) submit a claim to the Tribunal that is, or includes, a historical Treaty claim; or
 - “(b) amend a claim already submitted to the Tribunal that is not, or does not include, a historical Treaty claim by including a historical Treaty claim.
- “(2) However, subsection (1) does not prevent a historical Treaty claim submitted to the Tribunal on or before 1 September 2008 from being amended in any way after 1 September 2008.
- “(3) The Tribunal does not have jurisdiction (including, but not limited to, the jurisdiction to inquire or further inquire into,

or to make any finding or recommendation) in respect of a historical Treaty claim that is—

“(a) submitted contrary to subsection (1)(a); or

“(b) included in a claim contrary to subsection (1)(b).

“(4) To avoid doubt, if a claim is submitted to the Tribunal contrary to subsection (1), it must be treated for all purposes (including, for example, for the purposes of sections 8A(2), 8C(1), 8HB(1), 8HD(1), and 8HJ) as not having been submitted.”

7 Schedule 2 amended

Clause 5 of Schedule 2 is amended by adding the following subclause:

“(10) After consulting whoever, in his or her opinion, is appropriate, the Chairperson of the Tribunal may issue practice notes as to the practice and procedure of the Tribunal.”

Legislative history

6 December 2006

Divided from Maori Purposes Bill (Bill 55-2) as
Bill 55-3B

7 December 2006

Third reading
