

**Te Ture Whenua Maori
Amendment Act 2006
Maori Land Amendment Act 2006**

Public Act 2006 No 76
Date of assent 12 December 2006

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is—

- (a) Te Ture Whenua Maori Amendment Act 2006; or
- (b) the Maori Land 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 Te Ture Whenua Maori Act 1993.

4 Appointment of Judges

Section 7(2) is amended by omitting “8” and substituting “14”.

5 Chief Judge and Deputy Chief Judge

The following section is inserted after section 8:

“8A Delegation to Deputy Chief Judge

- “(1) The Chief Judge may delegate to the Deputy Chief Judge, either generally or particularly, any power, function, or duty conferred on the Chief Judge by or under this Act.
- “(2) Subject to general or particular directions given by the Chief Judge, the Deputy Chief Judge has and may exercise and perform all the powers, functions, or duties delegated by the Chief Judge in the same manner and with the same effect as if they had been conferred on the Deputy Chief Judge directly by this Act and not by delegation.
- “(3) A delegation—
 - “(a) must be in writing; and
 - “(b) is revocable in writing at any time; and
 - “(c) may be made subject to any restrictions or conditions that the Chief Judge thinks fit; and
 - “(d) does not prevent the exercise or performance of a power, function, or duty by the Chief Judge; but
 - “(e) must not include a power of delegation.

“(4) In the absence of proof to the contrary, the Deputy Chief Judge, when purporting to act under a delegation, is presumed to be acting in accordance with the terms of the delegation.

“(5) Powers exercised, functions performed, or decisions made by the Deputy Chief Judge acting as the Chief Judge may not be questioned in any proceeding on the ground that the occasion for the Deputy Chief Judge so acting had not arisen or had ceased.”

6 Procedure of Court in making determinations

Section 26F(3)(a) is amended by inserting “without a full or any hearing” after “issue”.

7 Procedure for applications referred to Court

(1) The heading to section 26G is omitted and the heading “**Powers of Court if application referred under section 26F(3)(b)**” substituted.

(2) Section 26G is amended by repealing subsection (1) and substituting the following subsections:

“(1) If a matter is referred to the Court for hearing and determination under section 26F(3)(b), the Court must proceed to hear and determine the application.

“(1A) However, despite subsection (1), the Court may (but is not obliged to) do 1 or more of the following:

“(a) if subsection (2) applies, determine the issue without a full or any hearing and make an order accordingly:

“(b) exercise the powers in section 67 for the purpose stated there:

“(c) if subsection (3) applies, dismiss or defer consideration of the application:

“(d) request a report from Te Ohu Kai Moana Trustee Limited on any matter the Court considers appropriate.”

8 Procedure of Court in making determinations

Section 26T(3)(a) is amended by inserting “without a full or any hearing” after “issue”.

9 Procedure for applications referred to Court

- (1) The heading to section 26U is omitted and the heading “**Powers of Court if application referred under section 26T(3)(b)**” substituted.
- (2) Section 26U is amended by repealing subsection (1) and substituting the following subsections:
- “(1) If a matter is referred to the Court for hearing and determination under section 26T(3)(b), the Court must proceed to hear and determine the application.
- “(1A) However, despite subsection (1), the Court may (but is not obliged to) do 1 or more of the following:
- “(a) if subsection (2) applies, determine the issue without a full or any hearing and make an order accordingly:
- “(b) exercise the powers in section 67 for the purpose stated there:
- “(c) if subsection (3) applies, dismiss or defer consideration of the application:
- “(d) request a report from Te Ohu Kai Moana Trustee Limited on any matter the Court considers appropriate.”

10 New heading and section 48A inserted

The following heading and section are inserted after section 48:

“Exercise of powers by Deputy Chief Judge

“48A Deputy Chief Judge may exercise special powers of Chief Judge

The Deputy Chief Judge has and may exercise, subject to the direction of the Chief Judge, the powers, functions, and duties of the Chief Judge under sections 44 to 48.”

11 Heading inserted above section 49

The heading

“Right of appeal against exercise of special powers”

is inserted above section 49.

12 Appeal

- (1) Section 49(1) is amended by inserting “or the Deputy Chief Judge” after “Chief Judge”.
- (2) Section 49(2) is amended by omitting “to the Chief Judge under this section” and substituting “under section 45”.

13 Validations

- (1) Subsection (2) applies to any action taken before the commencement of this Act by the Deputy Chief Judge—
 - (a) under sections 44 to 48 of the principal Act; or
 - (b) under section 452 of the Maori Affairs Act 1953, on or after 21 June 1991.
- (2) If subsection (1) applies, any action taken by the Deputy Chief Judge must be treated—
 - (a) as if it had been done by the Chief Judge; and
 - (b) as having, from the time when it was done, the same effect as if it had been done by the Chief Judge.
- (3) Any action taken by His Honour Judge Norman F Smith, in exercising or purporting to exercise his jurisdiction as an acting Judge of the Maori Land Court at any time in the period beginning on 1 November 2000 and ending on 30 November 2000, must be treated—
 - (a) as if it had been done in accordance with section 10 of the principal Act for the whole of that period; and
 - (b) as being as valid and of the same effect as if His Honour had been entitled to exercise the jurisdiction of an acting Judge throughout that period.

14 Accounts and balance sheet

Sections 276(2), (3), and (4), 277(6), and 281(1)(c) are amended by omitting “profit and loss account” in each place where it appears and substituting in each case “statement of financial performance”.

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Legislative history

6 December 2006	Divided from Maori Purposes Bill (Bill 55-2) as Bill 55-3A
7 December 2006	Third reading
