

Te Ture Whenua Maori Amendment Bill

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Judicial Matters Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and has divided it into the following bills:

- The Judicial Conduct Commissioner and Judicial Conduct Panel Bill, comprising Part 1 and Schedules 1AA and 1
- The Children, Young Persons, and Their Families Amendment Bill (No 3), comprising clauses 36 to 38
- The Coroners Amendment Bill (No 2), comprising clause 39
- The Courts Martial Appeals Amendment Bill (No 2), comprising clause 40
- The District Courts Amendment Bill (No 3), comprising clauses 41 to 45
- The Employment Relations Amendment Bill, comprising clauses 46 to 48
- The Family Courts Amendment Bill, comprising clauses 49 and 50
- The Judicature Amendment Bill (No 2), comprising clauses 51 to 60 and Schedule 2
- The Resource Management Amendment Bill (No 3), comprising clauses 61 to 65
- The Summary Proceedings Amendment Bill (No 2), comprising clauses 66 to 71
- This bill, comprising clauses 72 to 75.

Key to symbols used in reprinted bill

As reported from a select committee

New (majority)

Subject to this Act,

Text inserted by a majority

<Subject to this Act.>

Words struck out by a majority

<Subject to this Act.>

Words inserted by a majority

As reported from the committee of the whole House

((Subject to this Act.))

Words struck out

Subject to this Act.

Words inserted

Hon Margaret Wilson

Te Ture Whenua Maori Amendment Bill

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

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is Te Ture Whenua Maori Amendment Act **2004**.
(2) In this Act, Te Ture Whenua Maori Act 1993¹ is called “the principal Act”.

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¹ 1993 No 4

2 Commencement

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

72 Appointment of Judges

- (1) Section 7 of Te Ture Whenua Maori Act 1993 is amended by inserting, after subsection (2), the following subsection: 10
“(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: 15
“(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 Te Ture Whenua Maori Act 1993 is amended by repealing subsection (6), and substituting the following subsection: 20

“(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.”

73 New section 7A inserted

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Te Ture Whenua Maori Act 1993 is amended by inserting, after section 7, the following section:

“7A **Judges *<appointed>* *<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.

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“(2) The Attorney-General may *<from time to time>*, in accordance with **subsection (3)**, authorise a Judge appointed under *<section 7 or section 8>* to act on a part-time basis for any specified period.

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New (majority)

“(2A) To avoid doubt, an authorisation under **subsection (2)** may *(be made to)* 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.

“(3) The Attorney-General may authorise a Judge to act on a part-time basis only—

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“(a) on the request of the Judge; and

“(b) with the concurrence of the Chief Judge.

“(4) In considering whether to concur under **subsection (3)**, the Chief Judge must have regard to the ability of the Court to discharge its obligations in an orderly and expeditious way.

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“(5) 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.

“(6) 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 (5)**.”

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74 New section 12A inserted

Te Ture Whenua Maori Act 1993 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.” 5

75 Salaries and allowances of Judges

Section 13 of Te Ture Whenua Maori Act 1993 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. 10

“(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.” 15

Legislative history

12 May 2004

Divided from Judicial Matters Bill (Bill 71–2) as Bill 71–3K
