Version
as at 12 September 2026

Treaty of Waitangi Act 1975

Public Act	1975 No 114
Date of assent	10 October 1975
Commencement	10 October 1975

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Māori Development—Te Puni Kōkiri.

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An Act to provide for the observance, and confirmation, of the principles of the Treaty of Waitangi by establishing a Tribunal to make recommendations on claims relating to the practical application of the Treaty and to determine whether certain matters are inconsistent with the principles of the Treaty

Preamble

Whereas on 6 February 1840 a Treaty was entered into at Waitangi between Her late Majesty Queen Victoria and the Maori people of New Zealand:

And whereas the text of the Treaty in the English language differs from the text of the Treaty in the Maori language:

And whereas it is desirable that a Tribunal be established to make recommendations on claims relating to the practical application of the principles of the Treaty and, for that purpose, to determine its meaning and effect and whether certain matters are inconsistent with those principles.

1 Short Title

This Act may be cited as the Treaty of Waitangi Act 1975.

2 Interpretation

In this Act, unless the context otherwise requires,—

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

Maori means a person of the Maori race of New Zealand; and includes any descendant of such a person

private land means any land, or interest in land, held by a person other than—

(a) the Crown; or

(b) a Crown entity within the meaning of the Public Finance Act 1989

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

Treaty means the Treaty of Waitangi as set out in English and in Maori in Schedule 1

Tribunal means the Waitangi Tribunal established under this Act.

Section 2 **historical Treaty claim**: inserted, on 13 December 2006, by section 4 of the Treaty of Waitangi Amendment Act 2006 (2006 No 77).

Section 2 **private land**: inserted, on 20 August 1993, by section 2 of the Treaty of Waitangi Amendment Act 1993 (1993 No 92).

Section 2 **submit**: inserted, on 13 December 2006, by section 4 of the Treaty of Waitangi Amendment Act 2006 (2006 No 77).

3 Act to bind Crown

This Act shall bind the Crown.

4 Waitangi Tribunal

(1) There is hereby established a tribunal to be known as the Waitangi Tribunal.

(2) The Tribunal shall consist of—

(a) a Judge or retired Judge of the High Court or the Chief Judge of the Maori Land Court; and the Judge is both a member of the Tribunal and its Chairperson, and is appointed by the Governor-General on the recommendation of the Minister of Maori Affairs made after consultation with the Minister of Justice:

(b) not less than 2 other members and not more than 20 other members to be appointed by the Governor-General on the recommendation of the Minister of Maori Affairs made after consultation with the Minister of Justice.

(2A) In considering the suitability of persons for appointment to the Tribunal, the Minister of Maori Affairs—

(a) shall have regard to the partnership between the 2 parties to the Treaty; and

(b) shall have regard not only to a person's personal attributes but also to a person's knowledge of and experience in the different aspects of matters likely to come before the Tribunal.

(2B) The Chairperson of the Tribunal appointed under subsection (2)(a) holds office for such term not exceeding 5 years as the Governor-General specifies in the instrument appointing that Chairperson, and the Chairperson may from time to time be reappointed.

(2C) Where the Chairperson of the Tribunal is the Chief Judge of the Maori Land Court and he or she ceases to hold office as Chief Judge during the term of his or her appointment as Chairperson, that person's appointment as Chairperson also ceases at that time.

(3) Every member of the Tribunal appointed under subsection (2)(b) shall hold office for such term as the Governor-General shall specify in his or her appointment, being a term not exceeding 3 years, but may from time to time be reappointed.

(4) No person shall be deemed to be employed in the service of the Sovereign for the purposes of the Public Service Act 2020 or the Government Superannuation Fund Act 1956 by reason of his being a member of the Tribunal.

(5) The Ministry of Justice shall furnish such secretarial, recording, and other services as may be necessary to enable the Tribunal to exercise its functions and powers.

(6) The provisions of Schedule 2 shall have effect in relation to the Tribunal and its proceedings.

Section 4(2): replaced, on 1 January 1989, by section 2(1) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

Section 4(2)(a): replaced, on 11 December 1998, by section 2(1) of the Treaty of Waitangi Amendment Act 1998 (1998 No 113).

Section 4(2)(b): amended, on 23 May 2008, by section 4 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 4(2A): replaced, on 1 January 1989, by section 2(1) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

Section 4(2B): inserted, on 11 December 1998, by section 2(2) of the Treaty of Waitangi Amendment Act 1998 (1998 No 113).

Section 4(2C): inserted, on 11 December 1998, by section 2(2) of the Treaty of Waitangi Amendment Act 1998 (1998 No 113).

Section 4(3): replaced, on 1 January 1989, by section 2(1) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

Section 4(4): editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 4(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 4(4): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 4(5): amended, on 1 October 2003, pursuant to section 14(1) of the State Sector Amendment Act 2003 (2003 No 41).

4A Deputy Chairperson

(1) The Chairperson of the Tribunal may from time to time appoint a Judge (including the Chief Judge) of the Maori Land Court as the deputy of the Chairperson of the Tribunal.

(2) In any case in which the Chairperson of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause or during any vacancy in the office of Chairperson, the deputy of the Chairperson of the Tribunal shall have and may exercise all the powers, functions, and duties of the Chairperson.

(3) No acts done by a person holding office as the deputy of the Chairperson of the Tribunal in that person's capacity as such deputy, and no act done by the Tribunal while a deputy of the Chairperson of the Tribunal is acting as such deputy, shall in any proceedings be questioned on the ground that the occasion for the deputy's so acting had not arisen or had ceased.

Section 4A: inserted, on 1 January 1989, by section 3 of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

Section 4A(1): amended, on 11 December 1998, by section 3 of the Treaty of Waitangi Amendment Act 1998 (1998 No 113).

4B Appointment of Judge not to affect tenure, etc

The appointment of a Judge as Chairperson, the deputy of the Chairperson, or as a member of the Tribunal, or service by that Judge as Chairperson, the deputy of the Chairperson, or a member of the Tribunal, does not affect

the Judge's tenure of the judicial office or the Judge's rank, title, status, precedence, salary, annual or other allowances or other rights or privileges as a Judge (including those in relation to superannuation) and, for all purposes, the Judge's service as a member is service as a Judge.

Section 4B: replaced, on 11 December 1998, by section 4 of the Treaty of Waitangi Amendment Act 1998 (1998 No 113).

5 Functions of Tribunal

(1) The functions of the Tribunal shall be—

(a) to inquire into and make recommendations upon, in accordance with this Act, any claim submitted to the Tribunal under section 6:

(aa) to make recommendations, in accordance with section 8D, that land or interests in land be no longer subject to resumption under section 27B of the State-Owned Enterprises Act 1986 or section 569 of the Education and Training Act 2020:

(ab) to make any recommendation or determination that the Tribunal is required or empowered to make under Schedule 1 of the Crown Forest Assets Act 1989:

(ac) to make recommendations in accordance with section 8HE that land, or any part of any land, that is subject to a Crown forestry licence under the Crown Forest Assets Act 1989, be no longer liable to be returned to Maori ownership under section 36 of that Act:

(ad) to make recommendations in accordance with section 8D (as applied by section 8HJ) that land or any interest in land that, immediately before being vested in a Crown transferee company pursuant to section 6 of the New Zealand Railways Corporation Restructuring Act 1990, was land owned by the Crown or an interest owned by the Crown in land, be no longer subject to resumption under section 39 of that Act:

(b) to examine and report on, in accordance with section 8, any proposed legislation referred to the Tribunal under that section.

(2) In exercising any of its functions under this section the Tribunal shall have regard to the 2 texts of the Treaty set out in Schedule 1 and, for the purposes of this Act, shall have exclusive authority to determine the meaning and effect of the Treaty as embodied in the 2 texts and to decide issues raised by the differences between them.

Section 5(1)(a): replaced (with effect on 9 December 1987), on 30 June 1988, by section 3 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 5(1)(aa): replaced (with effect on 9 December 1987), on 30 June 1988, by section 3 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 5(1)(aa): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 5(1)(aa): amended, on 23 July 1990, by section 50(1) of the Education Amendment Act 1990 (1990 No 60).

Section 5(1)(ab): inserted, on 25 October 1989, by section 39 of the Crown Forest Assets Act 1989 (1989 No 99).

Section 5(1)(ac): inserted, on 25 October 1989, by section 39 of the Crown Forest Assets Act 1989 (1989 No 99).

Section 5(1)(ad): inserted, on 28 August 1990, by section 42 of the New Zealand Railways Corporation Restructuring Act 1990 (1990 No 105).

6 Jurisdiction of Tribunal to consider claims

(1) Where any Maori claims that he or she, or any group of Maoris of which he or she is a member, is or is likely to be prejudicially affected—

(a) by any ordinance of the General Legislative Council of New Zealand, or any ordinance of the Provincial Legislative Council of New Munster, or any provincial ordinance, or any Act (whether or not still in force), passed at any time on or after 6 February 1840; or

(b) by any regulations, order, proclamation, notice, or other statutory instrument made, issued, or given at any time on or after 6 February 1840 under any ordinance or Act referred to in paragraph (a); or

(c) by any policy or practice (whether or not still in force) adopted by or on behalf of the Crown, or by any policy or practice proposed to be adopted by or on behalf of the Crown; or

(d) by any act done or omitted at any time on or after 6 February 1840, or proposed to be done or omitted, by or on behalf of the Crown,—

and that the ordinance or Act, or the regulations, order, proclamation, notice, or other statutory instrument, or the policy or practice, or the act or omission, was or is inconsistent with the principles of the Treaty, he or she may submit that claim to the Tribunal under this section.

(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.

(3) If the Tribunal finds that any claim submitted to it under this section is well-founded it may, if it thinks fit having regard to all the circumstances of the case, recommend to the Crown that action be taken to compensate for or remove the prejudice or to prevent other persons from being similarly affected in the future.

(4) A recommendation under subsection (3) may be in general terms or may indicate in specific terms the action which, in the opinion of the Tribunal, the Crown should take.

(4A) Subject to sections 8A to 8I, the Tribunal shall not recommend under subsection (3),—

(a) the return to Maori ownership of any private land; or

(b) the acquisition by the Crown of any private land.

(5) The Tribunal shall cause a sealed copy of its findings and recommendation (if any) with regard to any claim to be served on—

(a) the claimant:

(b) the Minister of Maori Affairs and such other Ministers of the Crown as in the opinion of the Tribunal have an interest in the claim:

(c) such other persons as the Tribunal thinks fit.

(6) Nothing in this section shall confer any jurisdiction on the Tribunal in respect of any Bill that has been introduced into the House of Representatives unless the Bill has been referred to the Tribunal pursuant to section 8.

(7) Notwithstanding anything in this Act or any other Act or rule of law, on and from the commencement of this subsection the Tribunal shall not have jurisdiction to inquire or further inquire into, or to make any finding or recommendation in respect of,—

(a) commercial fishing or commercial fisheries (within the meaning of the Fisheries Act 1983); or

(b) the Deed of Settlement between the Crown and Maori dated 23 September 1992; or

(c) any enactment, to the extent that it relates to such commercial fishing or commercial fisheries.

(8) Despite anything in this Act or in any other Act or rule of law,—

(a) the jurisdiction of the Tribunal is subject to the enactments listed in Schedule 3; and

(b) without limiting paragraph (a), the Tribunal does not have jurisdiction, in relation to licensed land (within the meaning of the Crown Forest Assets Act 1989) in the takiwā of Ngāi Tahu Whānui, to make a recommendation for compensation or for the return of the land to Māori ownership.

(9) *[Repealed]*

(10) *[Repealed]*

(11) *[Repealed]*

(12) *[Repealed]*

(13) *[Repealed]*

(14) *[Repealed]*

(15) *[Repealed]*

(16) *[Repealed]*

(17) *[Repealed]*

(18) *[Repealed]*

(19) *[Repealed]*

(20) *[Repealed]*

(21) *[Repealed]*

(22) *[Repealed]*

(23) *[Repealed]*

(24) *[Repealed]*

(25) *[Repealed]*

(26) *[Repealed]*

(27) *[Repealed]*

(28) *[Repealed]*

(29) *[Repealed]*

(30) *[Repealed]*

(31) *[Repealed]*

(32) *[Repealed]*

Compare: 1998 No 97 s 462; 1999 No 118 s 10

Section 6(1): replaced, on 6 January 1986, by section 3(1) of the Treaty of Waitangi Amendment Act 1985 (1985 No 148).

Section 6(2): replaced, on 13 December 2006, by section 5 of the Treaty of Waitangi Amendment Act 2006 (2006 No 77).

Section 6(4A): inserted, on 20 August 1993, by section 3 of the Treaty of Waitangi Amendment Act 1993 (1993 No 92).

Section 6(6): replaced, on 6 January 1986, by section 3(2) of the Treaty of Waitangi Amendment Act 1985 (1985 No 148).

Section 6(7): inserted, on 23 December 1992, by section 40 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (1992 No 121).

Section 6(8): replaced, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(9): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(10): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(11): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(12): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(13): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(14): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(15): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(16): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(17): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(18): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(19): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(20): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(21): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(22): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(23): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(24): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(25): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(26): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(27): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(28): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(29): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(30): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(31): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6(32): repealed, on 23 May 2008, by section 5 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Section 6 compare note: inserted, on 1 March 2001, by section 13 of the Pouakani Claims Settlement Act 2000 (2000 No 90).

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.

Section 6AA: inserted, on 13 December 2006, by section 6 of the Treaty of Waitangi Amendment Act 2006 (2006 No 77).

6A Power of Tribunal to state case for Maori Appellate Court or Maori Land Court

(1) Where a question of fact,—

(a) concerning Maori custom or usage; and

(b) relating to the rights of ownership by Maori of any particular land or fisheries according to customary law principles of "take" and occupation or use; and

(c) calling for the determination, to the extent practicable, of Maori tribal boundaries, whether of land or fisheries,—

arises in proceedings before the Tribunal, the Tribunal may refer that question to the Maori Appellate Court for decision.

(2) Where a question relating to the Maori or group of Maori to whom any land or any part of any land or any interest in land is to be returned pursuant to a recommendation under section 8A(2)(a) arises in proceedings before the Tribunal, the Tribunal may refer that question to the Maori Land Court for decision.

(3) Any question referred to the Maori Appellate Court under subsection (1) or to the Maori Land Court under subsection (2) shall be in the form of a special case to be drawn up by the parties (if any) to the proceedings and, if the parties do not agree, or if there are no parties, to be settled by the Tribunal.

(4) The Maori Appellate Court shall have jurisdiction—

(a) to decide any question referred to it under subsection (1); and

(b) to hear and determine any appeal against any decision of the Maori Land Court on any question referred to that court under subsection (2).

(5) The Maori Land Court shall have jurisdiction to decide any question referred to it under subsection (2).

(6) The decision of the Maori Appellate Court on any question referred to it under subsection (1) and on any appeal determined by it pursuant to subsection (4)(b) shall be binding on the Tribunal.

(7) Subject to subsection (8), the decision of the Maori Land Court on any question referred to it under subsection (2) shall be binding on the Tribunal.

(8) An appeal may be brought under section 58 of Te Ture Whenua Maori Act 1993 against any decision of the Maori Land Court on a question referred to it under subsection (2); and section 58 of Te Ture Whenua Maori Act 1993 shall apply in relation to any such appeal as if that decision were a final order of the Maori Land Court.

(9) The Maori Appellate Court shall inform the Waitangi Tribunal of the decision of the Maori Appellate Court on—

(a) any question referred to it under subsection (1); and

(b) any appeal brought against any decision made by the Maori Land Court on any question referred to it under subsection (2).

(10) The Maori Land Court shall inform the Waitangi Tribunal of—

(a) the decision of the Maori Land Court on any question referred to it under subsection (2); and

(b) the bringing of any appeal under subsection (8).

Section 6A: inserted, on 1 January 1989, by section 4 of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

Section 6A(8): amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

7 Tribunal may refuse to inquire into claim

(1) The Tribunal may in its discretion decide not to inquire into, or, as the case may require, not to inquire further into, any claim made under section 6 if in the opinion of the Tribunal—

(a) the subject matter of the claim is trivial; or

(b) the claim is frivolous or vexatious or is not made in good faith; or

(c) there is in all the circumstances an adequate remedy or right of appeal, other than the right to petition the House of Representatives or to make a complaint to the Ombudsman, which it would be reasonable for the person alleged to be aggrieved to exercise.

(1A) The Tribunal may, from time to time, for sufficient reason, defer, for such period or periods as it thinks fit, its inquiry into any claim made under section 6.

(2) In any case where the Tribunal decides not to inquire into or further inquire into a claim or to defer its inquiry into any claim, it shall cause the claimant to be informed of that decision, and shall state its reasons therefor.

Section 7(1)(c): amended, on 1 January 1987, by section 27 of the Constitution Act 1986 (1986 No 114).

Section 7(1A): inserted, on 1 January 1989, by section 5(1) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

Section 7(2): amended, on 1 January 1989, by section 5(2) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

8 Jurisdiction of Tribunal to consider proposed legislation

(1) The Tribunal shall examine any proposed legislation referred to it under subsection (2) and shall report whether, in its opinion, the provisions of the proposed legislation or any of them are contrary to the principles of the Treaty.

(2) Proposed legislation may be referred to the Tribunal—

(a) in the case of a Bill before the House of Representatives, by resolution of the House:

(b) in the case of any proposed regulations or Order in Council, by any Minister of the Crown.

(3) The Tribunal's report shall be given—

(a) in the case of a Bill, to the Speaker of the House:

(b) in every other case, to the person or body who referred the proposed regulations or Order in Council to the Tribunal.

(4) A copy of every report made by the Tribunal under this section shall be given by the Tribunal to the Minister of Maori Affairs and shall be laid before the House of Representatives as soon as practicable.

Section 8(4): amended, on 1 January 1987, by section 27 of the Constitution Act 1986 (1986 No 114).

8A Recommendations in respect of land transferred to or vested in State enterprise

(1) This section applies in relation to—

(a) any land or interest in land transferred to a State enterprise under section 23 of the State-Owned Enterprises Act 1986 or vested in a State enterprise by a notice in the *Gazette* under section 24 of that Act or by an Order in Council made under section 28 of that Act, whether or not the land or interest in land is still vested in a State enterprise:

(b) any land or interest in land transferred to an institution within the meaning of section 10(1) of the Education and Training Act 2020 under section 564 of that Act or vested in such an institution by an Order in Council made under section 572 of that Act, whether or not the land or interest in land is still vested in that institution.

(2) Subject to section 8B, where a claim submitted to the Tribunal under section 6 relates in whole or in part to land or an interest in land to which this section applies, the Tribunal may,—

(a) if it finds—

(i) that the claim is well-founded; and

(ii) that the action to be taken under section 6(3) to compensate for or remove the prejudice caused by the ordinance or Act, or the regulations, order, proclamation, notice, or other statutory instrument, or the policy or practice, or the act or omission that was inconsistent with the principles of the Treaty, should include the return to Maori ownership of the whole or part of that land or of that interest in land,—

include in its recommendation under section 6(3), a recommendation that that land or that part of that land or that interest in land be returned to Maori ownership (which recommendation shall be on such terms and conditions as the Tribunal considers appropriate and shall identify the Maori or group of Maori to whom that land or that part of that land or that interest in land is to be returned); or

(b) if it finds—

(i) that the claim is well-founded; but

(ii) that a recommendation for return to Maori ownership is not required, in respect of that land or any part of that land or that interest in land, by paragraph (a)(ii),—

recommend to the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 that that land or that part of that land or that interest in land be no longer subject to resumption under section 27B of the State-Owned Enterprises Act 1986 or section 569 of the Education and Training Act 2020; or

(c) if it finds that the claim is not well-founded, recommend to the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 that that land or that part of that land or that interest in land be no longer subject to resumption under section 27B of the State-Owned Enterprises Act 1986 or section 569 of the Education and Training Act 2020.

(3) In deciding whether to recommend the return to Maori ownership of any land or interest in land to which this section applies, the Tribunal shall not have regard to any changes that, since immediately before the date of the transfer of the land or interest in land from the Crown to a State enterprise, or an institution within the meaning of section 10(1) of the Education and Training Act 2020, have taken place in—

(a) the condition of the land or of the land in which the interest exists and any improvements to it; or

(b) its ownership or possession or any other interests in it.

(4) Nothing in subsection (2) prevents the Tribunal making in respect of any claim that relates in whole or in part to any land or interest in land to which this section applies any other recommendation under subsection (3) or subsection (4) of section 6.

(5) Notwithstanding section 24(4) of the State-Owned Enterprises Act 1986, on the making of a recommendation for the return of any land or interest in land to Maori ownership under subsection (2), sections 40 and 41 of the Public Works Act 1981 shall cease to apply in relation to that land or that interest in land.

(6) Where any interest in land exists in respect of any land to which this section applies being—

(a) an interest in land which was in existence immediately before the land was transferred to the State enterprise under section 23 of the State-Owned Enterprises Act 1986 or vested in the State enterprise by a notice in the *Gazette* under section 24 of that Act or by an Order in Council made under section 28 of that Act but which was not so transferred to or vested in the State enterprise; or

(b) an interest in land which was in existence immediately before the land was transferred to an institution within the meaning of section 10(1) of the Education and Training Act 2020 under section 564 of that Act or vested in such an institution by an Order in Council made under section 572 of that Act but which was not so transferred to or vested in the institution,—

as the case may be, no recommendation under this section shall relate to that interest in land.

Section 8A: inserted (with effect on 9 December 1987), on 30 June 1988, by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 8A(1): replaced, on 10 April 1992, by section 12(1) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 8A(1)(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8A(2)(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8A(2)(b): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8A(2)(b): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8A(2)(b): amended, on 23 July 1990, by section 50(1) of the Education Amendment Act 1990 (1990 No 60).

Section 8A(2)(c): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8A(2)(c): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8A(2)(c): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8A(2)(c): amended, on 23 July 1990, pursuant to section 50(1) of the Education Amendment Act 1990 (1990 No 60).

Section 8A(3): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8A(3): amended, on 23 July 1990, by section 50(1) of the Education Amendment Act 1990 (1990 No 60).

Section 8A(6): replaced, on 10 April 1992, by section 12(2) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 8A(6)(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

8B Interim recommendations in respect of land transferred to or vested in State enterprise

(1) Where the recommendations made by the Tribunal include a recommendation made under section 8A(2)(a) or section 8A(2)(b), all of those recommendations shall be in the first instance interim recommendations.

(2) The Tribunal shall cause copies of its interim findings and interim recommendations to be served on the parties to the inquiry.

(3) Subject to subsection (5), the Tribunal shall not, without the written consent of the parties, confirm any interim recommendations that include a recommendation made under section 8A(2)(a) or section 8A(2)(b), until at least 90 days after the date of the making of the interim recommendations.

(4) Where any party to the inquiry is served with a copy of any interim recommendations that include a recommendation made under section 8A(2)(a) or section 8A(2)(b), that party—

(a) may, within 90 days after the date of the making of the interim recommendations, offer to enter into negotiations with the other party for the settlement of the claim; and

(b) shall, within 90 days after the date of the making of the interim recommendations, inform the Tribunal—

(i) whether the party accepts or has implemented the interim recommendations; and

(ii) if the party has made an offer under paragraph (a), the result of that offer.

(5) If, before the confirmation of any interim recommendations that include a recommendation made under section 8A(2)(a) or section 8A(2)(b), the claimant and the Minister of Maori Affairs settle the claim, the Tribunal shall, as the case may require, cancel or modify the interim recommendations and may make, if necessary, a final recommendation under section 8A(2)(a) or section 8A(2)(b).

(6) If subsection (5) does not apply in relation to any interim recommendations that include a recommendation made under section 8A(2)(a) or section 8A(2)(b), upon the expiration of the 90th day after the date of the making of the interim recommendations, the interim recommendations shall take effect as final recommendations.

(7) Notwithstanding anything in subsections (1) to (6), if any interim recommendations contain a clerical mistake or an error arising from any accidental slip or omission, whether the mistake, error, slip, or omission was made by an officer of the Tribunal or not, or if any interim recommendations are so drawn up as not to express what was actually decided and intended, the interim recommendations may be corrected by the Tribunal, either of its own motion or on the application of any party.

(8) Where the interim recommendations are corrected under subsection (7),—

(a) the Tribunal shall cause copies of the corrected interim recommendations to be served on the parties to the inquiry as soon as practicable; and

(b) the period that applies for the purposes of subsections (3), (4), and (6) shall expire on the 90th day after the date of the making of the corrected interim recommendations.

Section 8B: inserted (with effect on 9 December 1987), on 30 June 1988, by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

8C Right to be heard on question in relation to land transferred to or vested in State enterprise

(1) Where, in the course of any inquiry into a claim submitted to the Tribunal under section 6, any question arises in relation to any land or interest in land to which section 8A applies, the only persons entitled to appear and be heard on that question shall be—

(a) the claimant:

(b) the Minister of Maori Affairs:

(c) any other Minister of the Crown who notifies the Tribunal in writing that he or she wishes to appear and be heard:

(d) any Maori who satisfies the Tribunal that he or she, or any group of Maori of which he or she is a member, has an interest in the inquiry apart from any interest in common with the public.

(2) Notwithstanding anything in clause 7 of Schedule 2 or in section 4A of the Commissions of Inquiry Act 1908 (as applied by clause 8 of Schedule 2), no person other than a person designated in paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) of subsection (1) shall be entitled to appear and be heard on a question to which subsection (1) applies.

(3) Nothing in subsection (2) affects the right of any person designated in paragraph (a) or paragraph (b) or paragraph (c) or paragraph (d) of subsection (1) to appear, with the leave of the Tribunal, by—

(a) a barrister or solicitor of the High Court; or

(b) any other agent or representative authorised in writing.

Section 8C: inserted (with effect on 9 December 1987), on 30 June 1988, by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

8D Special power of Tribunal to recommend that land be no longer liable to resumption

(1) The Tribunal may, in its discretion, on the application of a State enterprise or other owner of any land or interest in land to which section 8A applies, recommend to the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 that the whole or part of that land or that that interest in land be no longer subject to resumption under section 27B of the State-Owned Enterprises Act 1986 or section 569 of the Education and Training Act 2020 if—

(a) public notice has been given, in accordance with section 8G, of the making of an application under this section in respect of that land or interest in land; and

(b) either—

(i) no claim in relation to that land or interest in land has been submitted to the Tribunal under section 6 before the date specified in the notice; or

(ii) all the parties to any claim submitted to the Tribunal under section 6 in relation to that land or interest in land have informed the Tribunal in writing that they consent to the making of the recommendation.

(2) The Tribunal may make a recommendation pursuant to subsection (1)(b)(ii) without being obliged to determine first whether or not the claim is well-founded.

(3) The Tribunal may, where it considers it appropriate, consult with a Judge of the Maori Land Court about—

(a) the directions to be given under section 8F; or

(b) the public notice to be given under section 8G,—

in relation to any application under this section.

Section 8D: inserted (with effect on 9 December 1987), on 30 June 1988, by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 8D(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8D(1): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8D(1): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8D(1): amended, on 23 July 1990, by section 50(1) of the Education Amendment Act 1990 (1990 No 60).

8E Issue of certificate on recommendation of Tribunal

(1) The Minister within the meaning of section 4 of the Cadastral Survey Act 2002 shall, on receiving in respect of any land or interest in land a recommendation under—

(a) section 8A(2)(a) or section 8A(2)(b) or section 8A(2)(c); or

(b) section 8D(1),—

issue a certificate to the effect that the land or interest in land is no longer subject to resumption under section 27B of the State-Owned Enterprises Act 1986 or section 569 of the Education and Training Act 2020.

(2) Where the land or the land in which the interest in land exists is subject to the Land Transfer Act 2017, the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 shall cause a copy of the certificate to be lodged with the Registrar-General of Land.

(3) The Registrar-General of Land shall, without fee,—

(a) register the certificate against the record of title to the land or interest in land; and

(b) take all steps necessary to discharge or cancel any memorials or entries showing that the land or interest in land is subject to resumption under section 27B of the State-Owned Enterprises Act 1986 or section 569 of the Education and Training Act 2020.

(4) Where—

(a) the land or the land in which the interest in land exists is not subject to the Land Transfer Act 2017; and

(b) instruments relating to the land or the interest in land are not registrable under the Deeds Registration Act 1908,—

the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 shall cause a copy of the certificate to be lodged in the office of the Surveyor-General, and the Surveyor-General shall note the certificate upon the proper plans and records of the district affected.

Section 8E: inserted (with effect on 9 December 1987), on 30 June 1988, by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 8E(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8E(1): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8E(1): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8E(1): amended, on 23 July 1990, by section 50(1) of the Education Amendment Act 1990 (1990 No 60).

Section 8E(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 8E(2): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8E(2): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8E(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 8E(3)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 8E(3)(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8E(3)(b): amended, on 23 July 1990, by section 50(1) of the Education Amendment Act 1990 (1990 No 60).

Section 8E(4): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8E(4): amended, on 1 June 2002, pursuant to section 69(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8E(4): amended, 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8E(4)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

8F Directions as to service

(1) Where an application is made under section 8D, the applicant shall apply to the Tribunal *ex parte* for directions as to service.

(2) The applicant shall furnish with the application under this section a description of the land or interest in land to which the application under section 8D relates, which description—

(a) shall include a full legal description of the land or interest in land; and

(b) shall be sufficient to enable the Tribunal to decide which persons may be adversely affected by the making, under section 8D, of the recommendation sought.

(3) The application under this section—

(a) shall specify the directions considered appropriate; and

(b) shall be accompanied by a memorandum—

(i) by the applicant's solicitor or counsel; or

(ii) by any other agent or representative authorised in writing by the applicant,—

giving the reasons for the directions considered appropriate.

(4) On an application under this section the Tribunal shall give such directions for service as it deems proper.

Section 8F: inserted (with effect on 9 December 1987), on 30 June 1988, by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

8G Public notice

(1) Where an application is made under section 8D, the applicant shall, in addition to complying with the directions given under section 8F(4), give, in accordance with the directions of the Tribunal, public notice of the application.

(2) The public notice shall be published both—

(a) in the *Gazette*; and

(b) in such newspapers circulating in the district in which the land or interest in land is situated as the Tribunal directs.

(3) The public notice shall—

(a) describe the land or interest in land and its location; and

(b) state that an application has been made under section 8D in respect of the land or interest in land; and

(c) indicate that—

(i) the land or interest in land has been or was transferred to a State enterprise under section 23 of the State-Owned Enterprises Act 1986 or vested in a State enterprise by a notice in the *Gazette* under section 24 of that Act or by an Order in Council made under section 28 of that Act; or

(ii) the land or interest in land has been or was transferred to an institution within the meaning of section 10(1) of the Education and Training Act 2020 under section 564 of that Act or vested in such an institution by an Order in Council made under section 572 of that Act—

as the case may be; and

(d) invite any Maori who considers that he or she, or any group of Maori of which he or she is a member, has grounds for a claim under section 6 in relation to the land or interest in land, to submit that claim to the Tribunal before a date specified in the notice (which date shall be not less than 90 days after the first or only publication of the notice in the *Gazette*); and

(e) describe briefly any claims already submitted under section 6 in respect of the land or interest in land; and

(f) where no claim has been submitted under section 6 in respect of the land or interest in land, state that if no claim in relation to the land or interest in land is submitted to the Tribunal under section 6 before the date specified in the notice, the Tribunal may recommend that the land or interest in land be no longer liable to resumption under section 27B of the State-Owned Enterprises Act 1986 or section 569 of the Education and Training Act 2020; and

(g) contain such other information as the Tribunal directs.

Section 8G: inserted (with effect on 9 December 1987), on 30 June 1988, by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 8G(3)(c): replaced, on 10 April 1992, by section 12(3) of the State-Owned Enterprises Amendment Act 1992 (1992 No 27).

Section 8G(3)(c)(ii): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8G(3)(f): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 8G(3)(f): amended, on 23 July 1990, pursuant to section 50(1) of the Education Amendment Act 1990 (1990 No 60).

8H Service of decision

The Tribunal shall cause a sealed copy of its decision and recommendation (if any) with regard to any application under section 8D to be served on—

(a) the applicant; and

(b) the Minister within the meaning of section 4 of the Cadastral Survey Act 2002; and

(c) the Minister of Maori Affairs; and

(d) such other persons as the Tribunal thinks fit.

Section 8H: inserted (with effect on 9 December 1987), on 30 June 1988, by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Section 8H(b): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8H(b): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Recommendations in relation to Crown forest land

Heading: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

8HA Interpretation of certain terms

For the purposes of sections 8HB to 8HI, the expressions **Crown forestry assets**, **Crown forest land**, **Crown forestry licence**, and **licensed land** shall have the same meanings as they have in section 2 of the Crown Forest Assets Act 1989.

Section 8HA: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

8HB Recommendations of Tribunal in respect of Crown forest land

(1) Subject to section 8HC, where a claim submitted to the Tribunal under section 6 relates to licensed land the Tribunal may,—

(a) if it finds—

(i) that the claim is well-founded; and

(ii) that the action to be taken under section 6(3) to compensate for or remove the prejudice caused by the ordinance or Act, or the regulations, order, proclamation, notice, or other statutory instrument, or the policy or practice, or the act or omission that was inconsistent with the principles of the Treaty of Waitangi, should include the return to Maori ownership of the whole or part of that land,—

include in its recommendation under section 6(3) a recommendation that the land or that part of that land be returned to Maori ownership (which recommendation shall be on such terms and conditions as the Tribunal considers appropriate and shall identify the Maori or group of Maori to whom that land or that part of that land is to be returned); or

(b) if it finds—

(i) that the claim is well-founded; but

(ii) that a recommendation for return to Maori ownership is not required, in respect of that land or any part of that land by paragraph (a)(ii),—

recommend to the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 that that land or that part of that land not be liable to return to Maori ownership; or

(c) if it finds that the claim is not well-founded, recommend to the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 that that land or that part of that land not be liable to return to Maori ownership.

(2) In deciding whether to recommend the return to Maori ownership of any licensed land, the Tribunal shall not have regard to any changes that have taken place in—

(a) the condition of the land and any improvements to it; or

(b) its ownership or possession or any other interests in it—

that have occurred after or by virtue of the granting of any Crown forestry licence in respect of that land.

(3) Nothing in subsection (1) prevents the Tribunal making in respect of any claim that relates in whole or in part to licensed land any other recommendation under subsection (3) or subsection (4) of section 6; except that in making any other recommendation the Tribunal may take into account payments made, or to be made, by the Crown by way of compensation in relation to the land pursuant to section 36 and Schedule 1 of the Crown Forest Assets Act 1989.

(4) On the making of a recommendation for the return of any land to Maori ownership under subsection (1), sections 40 to 42 of the Public Works Act 1981 shall cease to apply in relation to that land.

Section 8HB: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

Section 8HB(1)(b): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8HB(1)(b): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8HB(1)(c): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8HB(1)(c): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

8HC Interim recommendations in respect of Crown forest land

(1) Where the recommendations made by the Tribunal include a recommendation made under section 8HB(1)(a) or section 8HB(1)(b), all of those recommendations shall be in the first instance interim recommendations.

(2) The Tribunal shall cause copies of its interim findings and interim recommendations to be served on the parties to the inquiry.

(3) Subject to subsection (5), the Tribunal shall not, without the written consent of the parties, confirm any interim recommendations that include a recommendation made under section 8HB(1)(a) or section 8HB(1)(b), until at least 90 days after the date of the making of the interim recommendations.

(4) Where any party to the inquiry is served with a copy of any interim recommendations that include a recommendation made under section 8HB(1)(a) or section 8HB(1)(b), that party—

(a) may, within 90 days after the date of the making of the interim recommendations, offer to enter into negotiations with the other party for the settlement of the claim; and

(b) shall, within 90 days after the date of the making of the interim recommendations, inform the Tribunal—

(i) whether the party accepts or has implemented the interim recommendations; and

(ii) if the party has made an offer under paragraph (a), the result of that offer.

(5) If, before the confirmation of any interim recommendations that include a recommendation made under section 8HB(1)(a) or section 8HB(1)(b), the claimant and the Minister of Maori Affairs settle the claim, the Tribunal shall, as the case may require, cancel or modify the interim recommendations and may make, if necessary, a final recommendation under section 8HB(1)(a) or section 8HB(1)(b).

(6) If subsection (5) does not apply in relation to any interim recommendations that include a recommendation made under section 8HB(1)(a) or section 8HB(1)(b), upon the expiration of the 90th day after the date of the making

of the interim recommendations, the interim recommendations shall become final recommendations.

(7) Notwithstanding anything in subsections (1) to (6), if any interim recommendations contain a clerical mistake or an error arising from any accidental slip or omission, whether the mistake, error, slip, or omission was made by an officer of the Tribunal or not, or if any interim recommendations are so drawn up as not to express what was actually decided and intended, the interim recommendations may be corrected by the Tribunal, either of its own motion or on the application of any party.

(8) Where the interim recommendations are corrected under subsection (7),—

(a) the Tribunal shall cause copies of the corrected interim recommendations to be served on the parties to the inquiry as soon as practicable; and

(b) the period that applies for the purposes of subsections (3), (4), and (6) shall expire on the 90th day after the date of the making of the corrected interim recommendations.

Section 8HC: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

8HD Right to be heard on question in relation to Crown forest land

(1) Where, in the course of any inquiry into a claim submitted to the Tribunal under section 6 any question arises in relation to licensed land, the only persons entitled to appear and be heard on that question shall be—

(a) the claimant:

(b) the Minister of Maori Affairs:

(c) any other Minister of the Crown who notifies the Tribunal in writing that he or she wishes to appear and be heard:

(d) any Maori who satisfies the Tribunal that he or she, or any group of Maori of which he or she is a member, has an interest in the inquiry apart from any interest in common with the public.

(2) Notwithstanding anything in clause 7 of Schedule 2 or in section 4A of the Commissions of Inquiry Act 1908 (as applied by clause 8 of Schedule 2), no person other than a person designated in any of paragraphs (a) to (d) of subsection (1) shall be entitled to appear and be heard on a question to which subsection (1) applies.

(3) Nothing in subsection (2) affects the right of any person designated in any of paragraphs (a) to (d) of subsection (1) to appear, with the leave of the Tribunal, by—

(a) a barrister or solicitor of the High Court; or

(b) any other agent or representative authorised in writing.

Section 8HD: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

8HE Special power of Tribunal to recommend that land not be liable to be returned to Maori ownership

(1) The Tribunal may, in its discretion, on the application of any Minister of the Crown or any licensee of Crown forest land, recommend to the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 that the whole or part of any licensed land not be liable to be returned to Maori ownership if—

(a) public notice has been given, in accordance with section 8HH, of the making of an application under this section in respect of that land; and

(b) either—

(i) no claim in relation to that land has been submitted to the Tribunal under section 6 before the date specified in the notice; or

(ii) all the parties to any claim submitted to the Tribunal under section 6 in relation to that land have informed the Tribunal in writing that they consent to the making of the recommendation.

(2) The Tribunal may make a recommendation pursuant to subsection (1)(b)(ii) without being obliged to determine first whether or not the claim is well-founded.

(3) The Tribunal may, where it considers it appropriate, consult with a Judge of the Maori Land Court about—

(a) the directions to be given under section 8HG; or

(b) the public notice to be given under section 8HH,—

in relation to any application under this section.

Section 8HE: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

Section 8HE(1): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8HE(1): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

8HF Issue of certificate on recommendation of Tribunal

(1) The Minister within the meaning of section 4 of the Cadastral Survey Act 2002 shall, on receiving in respect of any licensed land a recommendation under section 8HB or section 8HE, issue a certificate to the effect that the land is not liable to be returned to Maori ownership.

(2) Where the licensed land is subject to the Land Transfer Act 2017 or where the Crown forestry licence is registered pursuant to section 30 of the Crown Forest Assets Act 1989, the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 shall cause a copy of the certificate to be lodged with the Registrar-General of Land.

(3) The Registrar-General of Land shall, without fee, register the certificate against the record of title to the land or endorse a memorial on the copy of the Crown forestry licence, as the case may be.

(4) Where—

(a) the land is not subject to the Land Transfer Act 2017; and

(b) a copy of the Crown forestry licence has not been registered pursuant to section 30 of the Crown Forest Assets Act 1989; and

(c) instruments relating to the land are not registrable under the Deeds Registration Act 1908,—

the Minister within the meaning of section 4 of the Cadastral Survey Act 2002 shall cause a copy of the certificate to be lodged in the office of the Surveyor-General for the district in which the land is situated, and the Surveyor-General shall note the certificate on the plans and records relating to the land.

Section 8HF: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

Section 8HF(1): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8HF(1): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8HF(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 8HF(2): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8HF(2): amended, on 1 July 1996, pursuant to section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8HF(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 8HF(4): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8HF(4): amended, on 1 June 2002, pursuant to section 69(1) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8HF(4): amended, on 1 July 1996, pursuant to section 5 of the Survey Amendment Act 1996 (1996 No 55).

Section 8HF(4)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

8HG Directions as to service

(1) Where an application is made under section 8HE, the applicant shall apply to the Tribunal *ex parte* for directions as to service.

(2) The applicant shall furnish with the application under this section a description of the land to which the application under section 8HE relates, which description—

(a) shall include a full legal description of the land; and

(b) shall be sufficient to enable the Tribunal to decide which persons may be adversely affected by the making, under section 8HE, of the recommendation sought.

(3) The application under this section—

(a) shall specify the directions considered appropriate; and

(b) shall be accompanied by a memorandum by or on behalf of the applicant giving the reasons for the directions considered appropriate.

(4) On an application being made under this section the Tribunal shall give such directions for service as it deems proper.

Section 8HG: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

8HH Public notice

(1) Where an application is made under section 8HE, the applicant shall, in addition to complying with the directions given under section 8HG, give, in accordance with the directions of the Tribunal, public notice of the application.

(2) The public notice shall be published both—

(a) in the *Gazette*; and

(b) in such newspapers circulating in the district in which the land is situated as the Tribunal directs.

(3) The public notice shall—

(a) describe the land and its location; and

(b) state that an application has been made under section 8HE in respect of the land; and

(c) indicate the land is Crown forest land that is subject to a Crown forestry licence; and

(d) invite any Maori who considers that he or she, or any group of Maori of which he or she is a member, has grounds for a claim under section 6 in relation to the land, to submit that claim to the Tribunal before a date specified in the notice (which date shall be not less than 90 days after the first or only publication of the notice in the *Gazette*); and

(e) describe briefly any claims already submitted under section 6 in respect of the land; and

(f) where no claim has been submitted under section 6 in respect of the land, state that if no claim in relation to the land is submitted to the Tribunal under that section before the date specified in the notice, the Tribunal may recommend that the land not be liable to be returned to Maori ownership and the effect of any such recommendation; and

(g) contain such other information as the Tribunal directs.

Section 8HH: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

8HI Service of decision

The Tribunal shall cause a sealed copy of its decision and recommendations (if any) with regard to any application under section 8HE to be served on—

(a) the applicant; and

(b) the Minister within the meaning of section 4 of the Cadastral Survey Act 2002; and

(c) the Minister of Maori Affairs; and

(d) the Minister for State Owned Enterprises and the Minister of Finance; and

(e) such other persons as the Tribunal thinks fit.

Section 8HI: inserted, on 25 October 1989, by section 40 of the Crown Forest Assets Act 1989 (1989 No 99).

Section 8HI(b): amended, on 1 June 2002, pursuant to section 68(2) of the Cadastral Survey Act 2002 (2002 No 12).

Section 8HI(b): amended, on 1 July 1996, by section 5 of the Survey Amendment Act 1996 (1996 No 55).

Recommendations in relation to land vested under New Zealand Railways Corporation Restructuring Act 1990

Heading: inserted, on 28 August 1990, by section 43 of the New Zealand Railways Corporation Restructuring Act 1990 (1990 No 105).

8HJ Claims relating to land vested under New Zealand Railways Corporation Restructuring Act 1990

In respect of every claim submitted to the Tribunal under section 6 that relates in whole or in part to land or an interest in land that, immediately before being vested in a Crown transferee company pursuant to section 6 of the New Zealand Railways Corporation Restructuring Act 1990, was land owned by the Crown or an interest owned by the Crown in land, whether or not the land or interest in land is still vested in that company, the provisions of sections 8A to 8H shall apply with such modifications as may be necessary and, in particular, as if—

(a) the reference in section 8A(1) to land or an interest in land to which that section applies was a reference to land or an interest in land that, immediately before being vested in a Crown transferee company pursuant to section 6 of the New Zealand Railways Corporation Restructuring Act 1990, was land owned by the Crown or an interest owned by the Crown in land, whether or not that land or interest in land is still vested in that company:

(b) the reference in section 8A(6) to an interest in land was a reference to an interest in land that was vested in a Crown transferee company under

section 6 of the New Zealand Railways Corporation Restructuring Act 1990 but where the land itself was not vested in that company:

(c) the references in sections 8A(2)(b) and (c), 8D(1), 8E(1) and (3)(b), and 8G(3)(f) to section 27B of the State-Owned Enterprises Act 1986 were references to section 39 of the New Zealand Railways Corporation Restructuring Act 1990:

(d) the reference in section 8G(3)(c) to land or an interest in land transferred to or vested in a State enterprise was a reference to land or an interest in land vested in a Crown transferee company pursuant to the New Zealand Railways Corporation Restructuring Act 1990.

Section 8HJ: inserted, on 28 August 1990, by section 43 of the New Zealand Railways Corporation Restructuring Act 1990 (1990 No 105).

8I Annual report on implementation of recommendations

The Minister of Maori Affairs shall in each year prepare and lay before the House of Representatives a report on the progress being made in the implementation of recommendations made to the Crown by the Tribunal.

Section 8I: inserted (with effect on 9 December 1987), on 30 June 1988, by section 4 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

9 Right to petition House of Representatives unaffected

Nothing in this Act shall affect in any way the right of any person to petition the House of Representatives for the redress of any grievance, or the jurisdiction of any committee or other body set up by the House of Representatives to deal with a petition to the House of Representatives.

Section 9: replaced, on 1 January 1987, by section 27 of the Constitution Act 1986 (1986 No 114).

Schedule 1
The Treaty of Waitangi

s 2

(The Text in English)

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands—Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

W HOBSON
Lieutenant Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

[*Here follow signatures, dates, etc.*]

(The Text in Maori)

Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata maori o Nu Tirani-kia wakaaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianei, amua atu ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te Tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o o ratou wenua.

Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu-ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) William Hobson,
Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Ko nga Rangatira o te wakaminenga.

Schedule 1 Text in Maori: replaced, on 6 January 1986, by section 4 of the Treaty of Waitangi Amendment Act 1985 (1985 No 148).

Schedule 2
Provisions relating to the Waitangi Tribunal

s 4(6)

1 Member to continue in office to complete proceedings

Any member of the Tribunal whose term of office has expired or who has resigned from office shall, whether or not that member's successor has come into office, continue in office for the purpose of completing any proceedings heard by the Tribunal before the expiry of the member's term of office or the member's resignation.

Schedule 2 clause 1: replaced, on 1 January 1989, by section 6(1) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

2 Vacation of office

(1) Any member of the Tribunal appointed under section 4(2)(b) may at any time resign his or her office by delivering a notice in writing to that effect to the Minister.

(2) A member of the Tribunal appointed under section 4(2)(b) shall be deemed to have vacated his or her office if he or she dies or is, under the Insolvency Act 2006, adjudged bankrupt.

(3) Any member of the Tribunal appointed under section 4(2)(b) may at any time be removed from office by the Governor-General for inefficiency, inability to perform the functions of the office, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

(4) The powers and functions of the Tribunal shall not be affected by any vacancy in its membership.

Schedule 2 clause 2: replaced, on 1 January 1989, by section 6(1) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

Schedule 2 clause 2(2): amended, on 3 December 2007, by section 445 of the Insolvency Act 2006 (2006 No 55).

Schedule 2 clause 2(3): amended, on 1 January 2002, by section 70(1) of the Human Rights Amendment Act 2001 (2001 No 96).

3 Remuneration, allowances, and expenses of members of Tribunal

(1) There shall be paid to the members of the Tribunal such remuneration by way of fees, salary, wages, or allowances as may from time to time be fixed, whether generally or in respect of any particular member or members of the Tribunal, by the Remuneration Authority.

(2) Any decision under subclause (1) shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no such date is specified, the decision shall take effect on the date thereof.

(3) The Tribunal is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(4) There shall be paid to the members of the Tribunal travelling allowances and travelling expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Schedule 2 clause 3: replaced, on 1 January 1989, by section 6(1) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

Schedule 2 clause 3(1): amended, on 1 April 2003, by section 4(1) of the Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54).

4 Deputy members

[Repealed]

Schedule 2 clause 4: repealed, on 1 January 1989, by section 6(1) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

5 Sittings of Tribunal

(1) The persons to constitute the Tribunal for the purposes of any sitting of the Tribunal shall comprise—

(a) as presiding officer—

(i) the Chairperson; or

(ii) a Judge of the Maori Land Court appointed by the Chairperson to act as presiding officer; or

(iii) a member of the Tribunal appointed by the Chairperson to act as presiding officer; and

(b) such other members of the Tribunal (being not less than 2 and not more than 6) as are appointed by the Chairperson.

(2) Only a member of the Tribunal who is a barrister or solicitor of the High Court of at least 7 years' standing, shall be qualified for appointment as presiding officer under subclause (1)(a)(iii).

(3) Where a Judge of the Maori Land Court acts as presiding officer pursuant to subclause (1)(a)(ii), that Judge shall, while he or she holds office as presiding officer, be deemed to be a member of the Tribunal.

(4) Sittings of the Tribunal shall be held at such times and places as the Tribunal or the presiding officer from time to time appoints.

(5) Any sitting of the Tribunal may be adjourned from time to time and from place to place by the Tribunal or the presiding officer.

(6) The powers conferred on the Tribunal are exercisable notwithstanding the absence from any sitting of the Tribunal of any of the persons constituting the Tribunal for the purposes of the sitting so long as—

(a) the presiding officer is present; and

(b) at least 2 of the other members constituting the Tribunal for the purposes of the sitting are present; and

(c) at least one of the members present is Maori.

(7) In the event of disagreement in respect of any matter, the decision of the majority of the members dealing with the matter shall be the decision of the Tribunal, and, where those members are equally divided, the decision of the presiding officer shall be the decision of the Tribunal.

(8) The Tribunal may meet in private or in public, as the Tribunal from time to time decides. The presiding officer shall cause such notice as he or she thinks fit to be given of any public sitting of the Tribunal to persons likely to be affected thereby.

(9) Except as expressly provided in this Act, the Tribunal may regulate its procedure in such manner as it thinks fit, and in doing so may have regard to and adopt such aspects of te kawa o te marae as the Tribunal thinks appropriate in the particular case, but shall not deny any person the right to speak during the proceedings of the Tribunal on the ground of that person's sex.

(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.

Schedule 2 clause 5: replaced, on 1 January 1989, by section 7(1) of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

Schedule 2 clause 5(10): inserted, on 13 December 2006, by section 7 of the Treaty of Waitangi Amendment Act 2006 (2006 No 77).

5AA Chairperson may appoint replacement presiding officer

(1) For the purposes of an inquiry into a particular claim or other matter under section 5(1), the Chairperson may appoint another member of the Tribunal or a Judge of the Maori Land Court to replace a presiding officer or former presiding officer holding office under clause 5(1)(a).

(2) Clause 5(2) and (3) applies to a replacement appointment under subclause (1).

Schedule 2 clause 5AA: inserted, on 10 April 2003, by section 4 of the Treaty of Waitangi Amendment Act 2003 (2003 No 13).

5AB Chairperson may appoint replacement member

For the purposes of an inquiry into a particular claim or other matter under section 5(1), the Chairperson may appoint another member of the Tribunal to replace a member or former member holding office under clause 5(1)(b).

Schedule 2 clause 5AB: inserted, on 10 April 2003, by section 4 of the Treaty of Waitangi Amendment Act 2003 (2003 No 13).

5AC Conditions applying to replacement appointments

(1) An appointment made under clause 5AA or clause 5AB may be made before or after the Tribunal has begun to inquire into a particular claim or other matter under section 5(1).

(2) The power conferred on the Chairperson by clauses 5AA and 5AB may be exercised only if—

(a) the presiding officer or member holding office under clause 5(1) has ceased to hold office—

(i) as provided for in clause 2; or

(ii) in the case of a Judge of the Maori Land Court, as provided for in section 12 of Te Ture Whenua Maori Act 1993:

(b) the personal circumstances of the presiding officer or member holding office under clause 5(1) make that person unable by reason of his or her physical or mental condition to continue to participate in the inquiry into the particular claim or other matter:

(c) it would be unreasonable to expect the presiding officer or member holding office under clause 5(1) to continue to participate in the inquiry into the particular claim or other matter because of his or her personal circumstances.

(3) If the Tribunal has commenced its inquiry into the particular claim or other matter, the Chairperson must not exercise the power conferred by clause 5AA or clause 5AB unless—

(a) there is an adequate record of the inquiry that has already been heard by the Tribunal; and

(b) it is reasonable to expect the person appointed to the Tribunal under clause 5AA or clause 5AB to review the record of that inquiry.

(4) For the avoidance of doubt, the power conferred by clauses 5AA and 5AB may be exercised even if the relevant circumstance under subclause (2) arose before the commencement of the Treaty of Waitangi Amendment Act 2003.

Schedule 2 clause 5AC: inserted, on 10 April 2003, by section 4 of the Treaty of Waitangi Amendment Act 2003 (2003 No 13).

5AD Chairperson may appoint acting presiding officer

(1) The Chairperson may appoint an acting presiding officer if the presiding officer appointed under clause 5(1)(a) for the purposes of the particular claim or other matter under section 5(1) is temporarily unable to be present for the whole or part of a sitting because of—

(a) his or her illness; or

(b) unforeseen circumstances that prevent his or her attendance.

(2) Only a member of the Tribunal who is a barrister or solicitor of the High Court of at least 7 years' standing is qualified for appointment under subclause (1).

(3) In making an appointment under this clause, the Chairperson must fix and state the period for which the acting presiding officer is appointed.

Schedule 2 clause 5AD: inserted, on 10 April 2003, by section 4 of the Treaty of Waitangi Amendment Act 2003 (2003 No 13).

5AE Conditions applying to appointment of acting presiding officer

(1) The power conferred on the Chairperson by clause 5AD may be exercised only if, in the opinion of the Chairperson, the Tribunal can, with an acting presiding officer, properly continue to exercise its functions to inquire into the particular claim or other matter.

(2) A person appointed to be an acting presiding officer under clause 5AD has, while that person is the acting presiding officer, the powers of a presiding officer under this Act.

Schedule 2 clause 5AE: inserted, on 10 April 2003, by section 4 of the Treaty of Waitangi Amendment Act 2003 (2003 No 13).

5A Power of Tribunal to commission research and receive report in evidence

(1) The Tribunal may commission, or authorise a claimant to commission at the expense of the Tribunal, any person (whether or not a member of its staff appointed under clause 9)—

(a) to investigate—

(i) any matter relating to a claim under section 6; or

(ii) any matter relating to an application under section 8D or section 8HE; or

(iii) any other matter relating to the functions of the Tribunal; and

(b) to prepare a report on any matter investigated under paragraph (a) and to submit that report for consideration by the Tribunal.

(2) The Tribunal may receive any such report in evidence.

(3) Every party to the proceedings shall be entitled—

(a) to receive a copy of the report; and

(b) to make submissions on it to the Tribunal.

(4) Any party to the proceedings may, with the leave of the Tribunal, cross-examine the person by whom the report was made.

Schedule 2 clause 5A: replaced (with effect on 9 December 1987), on 30 June 1988, by section 5 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Schedule 2 clause 5A(1)(a)(ii): amended, on 25 October 1989, by section 41 of the Crown Forest Assets Act 1989 (1989 No 99).

6 Evidence in proceedings before Tribunal

(1) The Tribunal may act on any testimony, sworn or unsworn, and may receive as evidence any statement, document, information, or matter which in the opinion of the Tribunal may assist it to deal effectually with the matters before it, whether the same would, apart from this section, be legally admissible evidence or not.

(2) Witnesses appearing before the Tribunal may give their evidence in the Maori language.

(3) Subject to subclause (1), the Evidence Act 2006 shall apply to the Tribunal in the same manner as if the Tribunal were a court within the meaning of that Act.

Schedule 2 clause 6(3): amended, on 1 August 2007, by section 216 of the Evidence Act 2006 (2006 No 69).

7 Right to appear

(1) Any claimant or other person entitled to appear before the Tribunal may appear either personally or, with the leave of the Tribunal, by—

(a) a barrister or solicitor of the High Court; or

(b) any other agent or representative authorised in writing.

(2) Any such leave may be given on such terms as the Tribunal thinks fit, and may at any time be withdrawn.

Schedule 2 clause 7(1)(a): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

7A Appointment of counsel

(1) The Tribunal may appoint counsel to assist it in respect of any proceedings or any part of any proceedings before the Tribunal.

(2) The Tribunal may appoint counsel to assist the claimant in respect of any proceedings or any part of any proceedings before the Tribunal if it is satisfied that the matter is of sufficient importance or complexity to warrant such an appointment or that it would be unjust to the claimant not to make such an appointment.

(3) Every counsel appointed under this clause shall be paid out of money appropriated by Parliament for the purpose such fee as may be agreed between the Tribunal and the counsel appointed.

Schedule 2 clause 7A: inserted, on 6 January 1986, by section 8 of the Treaty of Waitangi Amendment Act 1985 (1985 No 148).

8 Tribunal to be a Commission of Inquiry

(1) The Tribunal shall be deemed to be a Commission of Inquiry under the Commissions of Inquiry Act 1908, and, subject to the provisions of this Act, all the provisions of that Act, except sections 11 and 12 (which relate to costs), shall apply accordingly.

(2) The Chairperson of the Tribunal, or any other person, being the presiding officer at a sitting of the Tribunal or a member of the Tribunal purporting to act by direction or with the authority of the Chairperson,—

(a) may issue directions or conduct conferences; or

(b) may issue summonses requiring the attendance of witnesses before the Tribunal, or the production of documents; or

(c) may do any other act preliminary or incidental to the hearing of any matter by the Tribunal.

Schedule 2 clause 8(2): replaced, on 1 January 1989, by section 8 of the Treaty of Waitangi Amendment Act 1988 (1988 No 233).

9 Staff of Tribunal

(1) There may from time to time be appointed under the Public Service Act 2020 a Director of the Tribunal, a Registrar of the Tribunal, and such research officer or officers or other staff as may be necessary for the efficient operation of the Tribunal.

(2) Any person appointed to any position under subclause (1) may hold that position either separately or in conjunction with any other position in the public service.

Schedule 2 clause 9: replaced, on 6 January 1986, by section 9 of the Treaty of Waitangi Amendment Act 1985 (1985 No 148).

Schedule 2 clause 9(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 2 clause 9(1): amended (with effect on 9 December 1987), on 30 June 1988, by section 6 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

Schedule 2 clause 9(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

9A Power of Tribunal to refer claim for mediation

(1) The Tribunal may from time to time refer to any member of the Tribunal or the Director of the Tribunal or any other person any claim submitted to the Tribunal under section 6.

(2) Where a claim is referred to a member of the Tribunal under subsection (1), that member shall not sit as a member of the Tribunal for the purposes of the inquiry into that claim.

Schedule 2 clause 9A: inserted (with effect on 9 December 1987), on 30 June 1988, by section 7 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

9B Duties in relation to claim referred for mediation

The person to whom a claim is referred under clause 9A shall use his or her best endeavours to bring about a settlement of that claim.

Schedule 2 clause 9B: inserted (with effect on 9 December 1987), on 30 June 1988, by section 7 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

9C Settlement of claim referred for mediation

(1) Where a claim referred under clause 9A is settled, the person to whom the claim was referred shall record in writing the terms of the settlement, which shall be signed and dated by the representatives of the parties.

(2) The terms of settlement shall be given to the Tribunal by the person to whom the claim was referred.

(3) When the Tribunal has received the terms of settlement, the Tribunal may include those terms in a recommendation under section 6(3).

Schedule 2 clause 9C: inserted (with effect on 9 December 1987), on 30 June 1988, by section 7 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

9D Reference back to Tribunal of unsettled claim

(1) If a claim that has been referred under clause 9A has not been settled, the person to whom the claim was referred shall refer the claim back to the Tribunal if—

(a) that person considers the claim unlikely to be settled; or

(b) the Tribunal requires that person to do so.

(2) Where a claim is referred back to the Tribunal under subsection (1), the person to whom the claim was referred shall deliver to the Tribunal a written record showing separately—

(a) those matters on which agreement is reached between the parties; and

(b) those matters on which no agreement is reached between the parties.

Schedule 2 clause 9D: inserted (with effect on 9 December 1987), on 30 June 1988, by section 7 of the Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105).

10 Seal of Tribunal

The Tribunal shall have a seal which shall be appended to all reports and recommendations made by it.

Schedule 3
Enactments to which jurisdiction of Tribunal is subject

s 6(8)(a)

Schedule 3: inserted, on 23 May 2008, by section 6 of the Treaty of Waitangi Amendment Act 2008 (2008 No 34).

Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008, section 13(3) and (4)

Ahuriri Hapū Claims Settlement Act 2021, section 15(4) and (5)

Central North Island Forests Land Collective Settlement Act 2008, section 7

Heretaunga Tamatea Claims Settlement Act 2018, sections 15(4) and (5), 90, and 93

Hineuru Claims Settlement Act 2016, section 15(4) and (5)

Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018, section 15(4) and (5)

Maniapoto Claims Settlement Act 2022, section 15(4) and (5)

Maraeroa A and B Blocks Claims Settlement Act 2012, section 14(4) and (5)

Maungaharuru-Tangitū Hapū Claims Settlement Act 2014, section 14(4) and (5)

Moriori Claims Settlement Act 2021, section 15(4) and (5)

Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025, section 14(4) and (5)

Ngā Hapū o Te Iwi o Whanganui Claims Settlement Act 2026, section 17(4) and (5)

Ngaa Rauru Kiitahi Claims Settlement Act 2005, section 15(3) and (4)

Ngāi Tahu Claims Settlement Act 1998, section 461(3) and (4)

Ngāi Tai ki Tāmaki Claims Settlement Act 2018, section 15(4) and (5)

Ngai Tāmanuhiri Claims Settlement Act 2012, section 13(4) and (5)

NgāiTakoto Claims Settlement Act 2015, section 15(4) and (5)

Ngāruahine Claims Settlement Act 2016, section 15(4) and (5)

Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014, section 22(4) and (5)

Ngāti Apa (North Island) Claims Settlement Act 2010, section 13(3) and (4)

Ngāti Awa Claims Settlement Act 2005, section 15(3) and (4)

Ngāti Hauā Claims Settlement Act 2014, section 15(4) and (5)

Ngāti Hāua Claims Settlement Act 2026, section 16(4) and (5)

Ngāti Hei Claims Settlement Act 2026, section 15(4) and (5)

Ngāti Hinerangi Claims Settlement Act 2021, section 15(4) and (5)

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022, section 15(4) and (5)

Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, section 25(4) and (5)

Ngāti Koroki Kahukura Claims Settlement Act 2014, section 15(6) and (7)

Ngāti Kuri Claims Settlement Act 2015, section 15(4) and (5)

Ngāti Mākino Claims Settlement Act 2012, section 11(4) and (5)

Ngāti Manawa Claims Settlement Act 2012, section 13(3) to (6)

Ngāti Manuhiri Claims Settlement Act 2012, section 14(4) and (5)

Ngāti Maru (Taranaki) Claims Settlement Act 2022, section 15(4) and (5)

Ngāti Mutunga Claims Settlement Act 2006, section 15(2) and (3)

Ngāti Pāhauwera Treaty Claims Settlement Act 2012, section 14(4) and (5)

Ngāti Pāoa Claims Settlement Act 2025, section 15(4) and (5)

Ngati Porou Claims Settlement Act 2012, section 13(4) and (5)

Ngāti Pūkenga Claims Settlement Act 2017, section 15(4) and (5)

Ngāti Rāhiri Tumutumu Claims Settlement Act 2026, section 15(4) and (5)

Ngāti Rangi Claims Settlement Act 2019, section 15(4) and (5)

Ngāti Rangiteaorere Claims Settlement Act 2014, section 16(4) and (5)

Ngāti Rangitihi Claims Settlement Act 2022, section 15(4) and (5)

Ngāti Rangiwewehi Claims Settlement Act 2014, section 16(4) and (5)

Ngati Ruanui Claims Settlement Act 2003, section 15(3) and (4)

Ngāti Ruapani mai Waikaremoana Claims Settlement Act 2026, section 15(4) and (5)

Ngati Tama Claims Settlement Act 2003, section 12(3) and (4)

Ngāti Tamaoho Claims Settlement Act 2018, section 15(4) and (5)

Ngāti Tara Tokanui Claims Settlement Act 2026, section 15(4) and (5)

Ngati Toa Rangatira Claims Settlement Act 2014, section 16(4) and (5)

Ngāti Tūrangitukua Claims Settlement Act 1999, section 9(3) and (4)

Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005, section 15(3) and (4)

Ngāti Tūwharetoa Claims Settlement Act 2018, section 15(4) and (5)

Ngāti Whare Claims Settlement Act 2012, section 13(3) to (6)

Ngāti Whātua o Kaipara Claims Settlement Act 2013, section 14(4) and (5)

Ngāti Whātua Ōrākei Claims Settlement Act 2012, section 13(4) and (5)

Ngatikahu ki Whangaroa Claims Settlement Act 2017, section 15(4) to (6)

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009, section 10(4) and (5)

Pouakani Claims Settlement Act 2000, section 12(3) and (4)

Rangitāne o Manawatu Claims Settlement Act 2016, section 15(4) and (5)

Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017, section 15(4) and (5)

Raukawa Claims Settlement Act 2014, section 15(8) and (9)

Rongowhakaata Claims Settlement Act 2012, section 15(4) and (5)

Tapuika Claims Settlement Act 2014, section 15(4) and (5)

Taranaki Iwi Claims Settlement Act 2016, section 15(4) and (5)

Te Arawa Lakes Settlement Act 2006, section 15(4) and (5)

Te Atiawa Claims Settlement Act 2016, section 15(4) and (5)

Te Aupouri Claims Settlement Act 2015, section 15(4) and (5)

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, section 87(4) and (5)

Te Kawerau ā Maki Claims Settlement Act 2015 section 14(4) and (5)

Te Korowai o Wainuiārua Claims Settlement Act 2025, section 15(4) and (5)

Te Rarawa Claims Settlement Act 2015, section 15(4) and (5)

Te Roroa Claims Settlement Act 2008, section 13(2) and (3)

Te Uri o Hau Claims Settlement Act 2002, section 17(3) and (4)

Tūhoe Claims Settlement Act 2014, section 15(4) and (5)

Waikato Raupatu Claims Settlement Act 1995, section 9(2)

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, section 90(2)

Waitaha Claims Settlement Act 2013, section 12(4) and (5)

Whakatōhea Claims Settlement Act 2024, section 15(4) to (6)

Schedule 3: amended, on 12 September 2026, by section 16(2) of the Ngāti Ruapani mai Waikaremoana Claims Settlement Act 2026 (2026 No 59).

Schedule 3: amended, on 12 September 2026, by section 18(2) of the Ngā Hapū o Te Iwi o Whanganui Claims Settlement Act 2026 (2026 No 58).

Schedule 3: amended, on 19 May 2026, by section 16(2) of the Ngāti Hei Claims Settlement Act 2026 (2026 No 20).

Schedule 3: amended, on 19 May 2026, by section 16(2) of the Ngāti Tara Tokanui Claims Settlement Act 2026 (2026 No 19).

Schedule 3: amended, on 19 May 2026, by section 16(2) of the Ngāti Rāhiri Tumutumu Claims Settlement Act 2026 (2026 No 18).

Schedule 3: amended, on 10 February 2026, by section 17(2) of the Ngāti Hāua Claims Settlement Act 2026 (2026 No 2).

Schedule 3: amended, on 13 November 2025, by section 16(2) of the Ngāti Pāoa Claims Settlement Act 2025 (2025 No 61).

Schedule 3: amended, on 22 May 2025, by section 15(2) of the Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025 (2025 No 24).

Schedule 3: amended, on 13 March 2025, by section 16(2) of the Te Korowai o Wainuiārua Claims Settlement Act 2025 (2025 No 5).

Schedule 3: amended, on 5 June 2024, by section 16(2) of the Whakatōhea Claims Settlement Act 2024 (2024 No 15).

Schedule 3: amended, on 17 December 2022, by section 16(2) of the Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 (2022 No 78).

Schedule 3: amended, on 28 September 2022, by section 16(2) of the Maniapoto Claims Settlement Act 2022 (2022 No 50).

Schedule 3: amended, on 31 March 2022, by section 16(2) of the Ngāti Maru (Taranaki) Claims Settlement Act 2022 (2022 No 9).

Schedule 3: amended, on 19 March 2022, by section 16(2) of the Ngāti Rangitihi Claims Settlement Act 2022 (2022 No 7).

Schedule 3: amended, on 14 December 2021, by section 16(2) of the Ahuriri Hapū Claims Settlement Act 2021 (2021 No 54).

Schedule 3: amended, on 26 November 2021, by section 16(2) of the Moriori Claims Settlement Act 2021 (2021 No 49).

Schedule 3: amended, on 13 April 2021, by section 16(2) of the Ngāti Hinerangi Claims Settlement Act 2021 (2021 No 11).

Schedule 3: amended, on 1 August 2019, by section 16(2) of the Ngāti Rangi Claims Settlement Act 2019 (2019 No 40).

Schedule 3: amended, on 19 December 2018, by section 16(2) of the Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55).

Schedule 3: amended, on 14 September 2018, by section 16(2) of the Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018 (2018 No 28).

Schedule 3: amended, on 11 July 2018, by section 16(2) of the Ngāti Tamaoho Claims Settlement Act 2018 (2018 No 19).

Schedule 3: amended, on 5 July 2018, by section 16(2) of the Ngāi Tai ki Tāmaki Claims Settlement Act 2018 (2018 No 18).

Schedule 3: amended, on 27 June 2018, by section 16(2) of the Heretaunga Tamatea Claims Settlement Act 2018 (2018 No 14).

Schedule 3: amended, on 22 August 2017, by section 16(2) of the Ngatikahu ki Whangaroa Claims Settlement Act 2017 (2017 No 41).

Schedule 3: amended, on 15 August 2017, by section 16(2) of the Ngāti Pūkenga Claims Settlement Act 2017 (2017 No 39).

Schedule 3: amended, on 15 August 2017, by section 16(2) of the Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 (2017 No 38).

Schedule 3: amended, on 21 March 2017, by section 88(2) of the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (2017 No 7).

Schedule 3: amended, on 13 December 2016, by section 16(2) of the Rangitāne o Manawatu Claims Settlement Act 2016 (2016 No 100).

Schedule 3: amended, on 6 December 2016, by section 16(2) of the Taranaki Iwi Claims Settlement Act 2016 (2016 No 95).

Schedule 3: amended, on 6 December 2016, by section 16(2) of the Te Atiawa Claims Settlement Act 2016 (2016 No 94).

Schedule 3: amended, on 6 December 2016, by section 16(2) of the Ngāruahine Claims Settlement Act 2016 (2016 No 93).

Schedule 3: amended, on 5 July 2016, by section 16(2) of the Hineuru Claims Settlement Act 2016 (2016 No 33).

Schedule 3: amended, on 23 September 2015, by section 16(2) of the Te Rarawa Claims Settlement Act 2015 (2015 No 79).

Schedule 3: amended, on 23 September 2015, by section 16(2) of the NgāiTakoto Claims Settlement Act 2015 (2015 No 78).

Schedule 3: amended, on 23 September 2015, by section 16(2) of the Te Aupouri Claims Settlement Act 2015 (2015 No 77).

Schedule 3: amended, on 23 September 2015, by section 16(2) of the Ngāti Kuri Claims Settlement Act 2015 (2015 No 76).

Schedule 3: amended, on 15 September 2015, by section 15(2) of the Te Kawerau ā Maki Claims Settlement Act 2015 (2015 No 75).

Schedule 3: amended, on 16 December 2014, by section 16(2) of the Ngāti Hauā Claims Settlement Act 2014 (2014 No 75).

Schedule 3: amended, on 16 December 2014, by section 16(2) of the Ngāti Koroki Kahukura Claims Settlement Act 2014 (2014 No 74).

Schedule 3: amended, on 28 July 2014, by section 16(2) of the Tūhoe Claims Settlement Act 2014 (2014 No 50).

Schedule 3: amended, on 23 April 2014, by section 26(2) of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (2014 No 20).

Schedule 3: amended, on 23 April 2014, by section 23(2) of the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (2014 No 19).

Schedule 3: amended, on 23 April 2014, by section 17(2) of the Ngati Toa Rangatira Claims Settlement Act 2014 (2014 No 17).

Schedule 3: amended, on 17 April 2014, by section 16(2) of the Tapuika Claims Settlement Act 2014 (2014 No 15).

Schedule 3: amended, on 17 April 2014, by section 17(2) of the Ngāti Rangiwewehi Claims Settlement Act 2014 (2014 No 14).

Schedule 3: amended, on 17 April 2014, by section 17(2) of the Ngāti Rangiteaorere Claims Settlement Act 2014 (2014 No 13).

Schedule 3: amended, on 17 April 2014, by section 15(2) of the Maungaharuru-Tangitū Hapū Claims Settlement Act 2014 (2014 No 12).

Schedule 3: amended, on 20 March 2014, by section 16(2) of the Raukawa Claims Settlement Act 2014 (2014 No 7).

Schedule 3: amended, on 13 June 2013, by section 13(2) of the Waitaha Claims Settlement Act 2013 (2013 No 38).

Schedule 3: amended, on 13 June 2013, by section 15(2) of the Ngāti Whātua o Kaipara Claims Settlement Act 2013 (2013 No 37)

Schedule 3: amended, on 1 February 2013, by section 14(2) of the Ngāti Whātua Ōrākei Claims Settlement Act 2012 (2012 No 91).

Schedule 3: amended, on 20 November 2012, by section 15(2) of the Ngāti Manuhiri Claims Settlement Act 2012 (2012 No 90).

Schedule 3: amended, on 1 August 2012, by section 14(2) of the Ngai Tāmanuhiri Claims Settlement Act 2012 (2012 No 55).

Schedule 3: amended, on 1 August 2012, by section 16(2) of the Rongowhakaata Claims Settlement Act 2012 (2012 No 54).

Schedule 3: amended, on 1 August 2012, by section 12(2) of the Ngāti Mākino Claims Settlement Act 2012 (2012 No 53).

Schedule 3: amended, on 31 July 2012, by section 15(2) of the Maraeroa A and B Blocks Claims Settlement Act 2012 (2012 No 52).

Schedule 3: amended, on 6 April 2012, by section 14(2) of the Ngati Porou Claims Settlement Act 2012 (2012 No 31).

Schedule 3: amended, on 6 April 2012, by section 15(2) of the Ngāti Pāhauwera Treaty Claims Settlement Act 2012 (2012 No 30).

Schedule 3: amended, on 6 April 2012, by section 14(2) of the Ngāti Whare Claims Settlement Act 2012 (2012 No 28).

Schedule 3: amended, on 6 April 2012, by section 14(2) of the Ngāti Manawa Claims Settlement Act 2012 (2012 No 27).

Schedule 3: amended, on 16 December 2010, by section 14(2) of the Ngāti Apa (North Island) Claims Settlement Act 2010 (2010 No 129).

Schedule 3: amended, on 25 November 2010, by section 96 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (2010 No 24).

Schedule 3: amended, on 5 August 2009, by section 11(2) of the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 (2009 No 26).

Schedule 3: amended, on 4 June 2009, by section 15 of the Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 (2008 No 98).

Schedule 3: amended, on 30 September 2008, by section 14 of the Te Roroa Claims Settlement Act 2008 (2008 No 100).

Schedule 3: amended, on 30 September 2008, by section 33(2) of the Central North Island Forests Land Collective Settlement Act 2008 (2008 No 99).

Notes

1 General

This is a consolidation of the Treaty of Waitangi Act 1975 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Ngāti Ruapani mai Waikaremoana Claims Settlement Act 2026 (2026 No 59): section 16

Ngā Hapū o Te Iwi o Whanganui Claims Settlement Act 2026 (2026 No 58): section 18

Ngāti Hei Claims Settlement Act 2026 (2026 No 20): section 16

Ngāti Tara Tokanui Claims Settlement Act 2026 (2026 No 19): section 16

Ngāti Rāhiri Tumutumu Claims Settlement Act 2026 (2026 No 18): section 16

Ngāti Hāua Claims Settlement Act 2026 (2026 No 2): section 17(2)

Ngāti Pāoa Claims Settlement Act 2025 (2025 No 61): section 16(2)

Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025 (2025 No 24): section 15(2)

Te Korowai o Wainuiārua Claims Settlement Act 2025 (2025 No 5): section 16

Whakatōhea Claims Settlement Act 2024 (2024 No 15): section 16

Ngāti Kahungunu ki Wairarapa Tāmaki nui-a-Rua Claims Settlement Act 2022 (2022 No 78): section 16

Maniapoto Claims Settlement Act 2022 (2022 No 50): section 16

Ngāti Maru (Taranaki) Claims Settlement Act 2022 (2022 No 9): section 16

Ngāti Rangitihi Claims Settlement Act 2022 (2022 No 7): section 16

Ahuriri Hapū Claims Settlement Act 2021 (2021 No 54): section 16

Moriori Claims Settlement Act 2021 (2021 No 49): section 16

Ngāti Hinerangi Claims Settlement Act 2021 (2021 No 11): section 16

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

Ngāti Rangi Claims Settlement Act 2019 (2019 No 40): section 16

Ngāti Tūwharetoa Claims Settlement Act 2018 (2018 No 55): section 16

Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Act 2018 (2018 No 28): section 16

Ngāti Tamaoho Claims Settlement Act 2018 (2018 No 19): section 16

Ngāi Tai ki Tāmaki Claims Settlement Act 2018 (2018 No 18): section 16

Heretaunga Tamatea Claims Settlement Act 2018 (2018 No 14): section 16

Ngatikahu ki Whangaroa Claims Settlement Act 2017 (2017 No 41): section 16

Ngāti Pūkenga Claims Settlement Act 2017 (2017 No 39): section 16

Rangitāne Tū Mai Rā (Wairarapa Tamaki nui-ā-Rua) Claims Settlement Act 2017 (2017 No 38): section 16

Land Transfer Act 2017 (2017 No 30): section 250

Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 (2017 No 7): section 88

Rangitāne o Manawatu Claims Settlement Act 2016 (2016 No 100): section 16

Taranaki Iwi Claims Settlement Act 2016 (2016 No 95): section 16

Te Atiawa Claims Settlement Act 2016 (2016 No 94): section 16

Ngāruahine Claims Settlement Act 2016 (2016 No 93): section 16

Hineuru Claims Settlement Act 2016 (2016 No 33): section 16

Te Rarawa Claims Settlement Act 2015 (2015 No 79): section 16

NgāiTakoto Claims Settlement Act 2015 (2015 No 78): section 16

Te Aupouri Claims Settlement Act 2015 (2015 No 77): section 16

Ngāti Kuri Claims Settlement Act 2015 (2015 No 76): section 16

Te Kawerau ā Maki Claims Settlement Act 2015 (2015 No 75): section 15

Ngāti Hauā Claims Settlement Act 2014 (2014 No 75): section 16

Ngāti Koroki Kahukura Claims Settlement Act 2014 (2014 No 74): section 16

Tūhoe Claims Settlement Act 2014 (2014 No 50): section 16

Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (2014 No 20): section 26

Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014 (2014 No 19): section 23

Ngati Toa Rangatira Claims Settlement Act 2014 (2014 No 17): section 17

Tapuika Claims Settlement Act 2014 (2014 No 15): section 16

Ngāti Rangiwewehi Claims Settlement Act 2014 (2014 No 14): section 17

Ngāti Rangiteaorere Claims Settlement Act 2014 (2014 No 13): section 17

Maungaharuru-Tangitū Hapū Claims Settlement Act 2014 (2014 No 12): section 15

Raukawa Claims Settlement Act 2014 (2014 No 7): section 16

Waitaha Claims Settlement Act 2013 (2013 No 38): section 13

Ngāti Whātua o Kaipara Claims Settlement Act 2013 (2013 No 37): section 15

Ngāti Whātua Ōrākei Claims Settlement Act 2012 (2012 No 91): section 14

Ngāti Manuhiri Claims Settlement Act 2012 (2012 No 90): section 15

Ngai Tāmanuhiri Claims Settlement Act 2012 (2012 No 55): section 14

Rongowhakaata Claims Settlement Act 2012 (2012 No 54): section 16

Ngāti Mākino Claims Settlement Act 2012 (2012 No 53): section 12

Maraeroa A and B Blocks Claims Settlement Act 2012 (2012 No 52): section 15

Ngati Porou Claims Settlement Act 2012 (2012 No 31): section 14

Ngāti Pāhauwera Treaty Claims Settlement Act 2012 (2012 No 30): section 15

Ngāti Whare Claims Settlement Act 2012 (2012 No 28): section 14

Ngāti Manawa Claims Settlement Act 2012 (2012 No 27): section 14

Ngāti Apa (North Island) Claims Settlement Act 2010 (2010 No 129): section 14

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (2010 No 24): section 96

Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 (2009 No 26): section 11

Te Roroa Claims Settlement Act 2008 (2008 No 100): section 14

Central North Island Forests Land Collective Settlement Act 2008 (2008 No 99): section 33

Affiliate Te Arawa Iwi and Hapu Claims Settlement Act 2008 (2008 No 98): section 15

Treaty of Waitangi Amendment Act 2008 (2008 No 34)

Treaty of Waitangi Amendment Act 2006 (2006 No 77)

Evidence Act 2006 (2006 No 69): section 216

Insolvency Act 2006 (2006 No 55): section 445

State Sector Amendment Act 2003 (2003 No 41): section 14(1)

Treaty of Waitangi Amendment Act 2003 (2003 No 13)

Remuneration Authority (Members of Parliament) Amendment Act 2002 (2002 No 54): section 4(1)

Cadastral Survey Act 2002 (2002 No 12): sections 68(2), 69(1)

Human Rights Amendment Act 2001 (2001 No 96): section 70(1)

Pouakani Claims Settlement Act 2000 (2000 No 90): section 13

Treaty of Waitangi Amendment Act 1998 (1998 No 113)

Survey Amendment Act 1996 (1996 No 55): section 5

Treaty of Waitangi Amendment Act 1993 (1993 No 92)

Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)

Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 (1992 No 121): section 40

State-Owned Enterprises Amendment Act 1992 (1992 No 27): section 12

New Zealand Railways Corporation Restructuring Act 1990 (1990 No 105): sections 42, 43

Education Amendment Act 1990 (1990 No 60): section 50(1)

Crown Forest Assets Act 1989 (1989 No 99): sections 39–41

Treaty of Waitangi Amendment Act 1988 (1988 No 233)

Treaty of Waitangi (State Enterprises) Act 1988 (1988 No 105): sections 3–7

Constitution Act 1986 (1986 No 114): section 27

Treaty of Waitangi Amendment Act 1985 (1985 No 148)

Judicature Amendment Act 1979 (1979 No 124): section 12

Government Superannuation Fund Amendment Act 1976 (1976 No 30): section 3(3)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026