



The Right Honourable Dame Helen Winkelmann

CHIEF JUSTICE OF NEW ZEALAND | TE TUMU WHAKAWĀ O AOTEAROA

MEDIA STATEMENT

Interim Guidance – Wearing Taonga in all Courts

25 May 2021

1. This interim guidance concerns the wearing of culturally significant decorative taonga as part of business attire for counsel appearing in all proceedings in all courts.
2. This guidance constitutes an interim measure until the 2009 Court Etiquette Guidelines (which define “business attire”) are updated. This guidance will take effect from 25 May 2021.

Wearing Taonga in the Court

3. All counsel are permitted to wear taonga in place of a necktie as business attire in all courts in Aotearoa.
4. All judicial officers, court staff, stakeholders and all others who perform official roles are permitted to wear taonga in place of a necktie as appropriate business attire in all courts in Aotearoa.
5. As with neckties, taonga are to be worn with a shirt that has the top button done up.
6. The overriding requirement is that conduct and attire demonstrate respect for the Court and those participating in its proceedings.

Taonga defined

7. Article II of Te Tiriti o Waitangi provides for the protection of Māori tino rangatiratanga over all taonga. Academic literature has observed it is unlikely that a comprehensive definition of taonga is available.¹ Descriptions of taonga are accepted to have broad scope

¹ Māmari Stephens *Taonga, Rights and Interests* (2010) 16 NZACL Yearbook 63 at 67.

that includes intangible concepts² such as language³ and the make-up of familial units.⁴ The Waitangi Tribunal, has summarised the meaning of taonga in the following manner:⁵

Though the term has a number of other more mundane meanings, successive carefully reasoned reports of the Tribunal over many years now have come to treat ‘taonga’, as used in the Treaty, as a tangible or intangible item or matter of special cultural significance.

8. This interim guidance does not intend to provide a comprehensive definition of taonga. However, for the purposes of this guidance, “taonga” is intended to refer to a decorative item of special Māori cultural significance that is worn around a person’s neck.

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² *Bleakley v Environmental Risk Management Authority* [2001] 3 NZLR 213 at [59] and [65].

³ *NZ Maori Council v Attorney-General* HC Wellington CP942/88, 3 May 1991; accepted in the Privy Council on appeal in *New Zealand Māori Council v Attorney-General* [1994] 1 NZLR 513 (PC).

⁴ *Barton-Prescott v Director-General of Social Welfare* [1997] 3 NZLR 179 at 184.

⁵ Waitangi Tribunal *The Petroleum Report* (WAI 796, 2003) at 5.3.