

MEDIA RELEASE

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Amokura Kawharu

Tumu Whakarae | President

Te Aka Matua o te Ture | Law Commission

The Chief Justice, Dame Helen Winkelmann and Te Aka Matua o te Ture | Law Commission

The Chief Justice and Te Aka Matua o te Ture | Law Commission welcome the recent appointment by the Minister of Justice of Justice Christian Whata as a Law Commissioner.

Earlier today it was announced that Justice Whata will begin his one-year term as Law Commissioner in October, where he will lead Te Aka Matua o te Ture's work in relation to tikanga Māori, with a particular focus on the relationship between tikanga Māori and State law.

President of Te Aka Matua o te Ture, Amokura Kawharu, said that this was an important and timely project for the Commission. Tikanga Māori has been steadily gaining recognition in the courts and in statutes. Te Kōti Mana Nui has affirmed that tikanga Māori is among the values of the common law, and is perhaps determinative when dealing with matters affecting Māori rights and interests. Tikanga is also expressly recognised, in various ways, in many Acts of Parliament. Yet for the most part, understanding of tikanga—what it is, its sources, and where and how it engages or should engage with State law— is limited, Kawharu said.

Te Aka Matua o te Ture plans to develop a detailed paper that addresses the question of how to manage the interface between tikanga Māori and State law, with a particular emphasis on the principles, mechanisms and processes needed to give practical and effective recognition of tikanga in State law, while also preserving the integrity of tikanga Māori in Te Ao Māori. The planned paper will build on the Study Paper, *Māori Custom and Values in New Zealand Law*, published by Te Aka Matua o te Ture in 2001.

The Chief Justice Dame Helen Winkelmann said that Justice Whata's appointment allows him to share the considerable expertise that he has developed on the intersection of tikanga Māori, common law and State law through his legal career and 10 years on the High Court bench.

On completion of his appointment, Justice Whata will return to the High Court bench.



About Justice Christian Whata

Justice Whata is from Ngāti Pikiao and Ngāti Tamateatūtahi - Kawiti of Te Arawa. He was appointed a High Court judge in 2011. He was based in Christchurch from 2012-2015, with circuit work throughout the South Island. From 2016 he has been based in Auckland, with circuit work including Rotorua, Tauranga, Hamilton and Whangarei. He has adjudicated on a wide range of subject matters, including major common law, commercial, public, environmental, Māori and criminal matters.

His significant contributions as a judge include his decision in *Solicitor-General v Heta*, dealing with systemic Māori deprivation and its relevance to sentencing. His decision in *C v Holland* marked the introduction of the privacy tort of intrusion into seclusion into New Zealand law. He is also a member of the faculty of Te Kura Kaiwhakawā | Institute of Judicial Studies responsible for the Tikanga Programme. While in practice, Justice Whata specialised in Māori legal issues and public and environmental law, acting for a diverse range of clients including iwi and hapū, as well as major local and international corporate entities.

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