

**NOTE: ORDER PROHIBITING PUBLICATION OF NAME, ADDRESS,
OCCUPATION AND IDENTIFYING PARTICULARS OF THE APPELLANT
REMAINS IN FORCE. SEE [2025] NZSC 119.**

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 95/2024
[2024] NZSC 125**

BETWEEN	T (SC 95/2024) Applicant
AND	TE WHATU ORA HEALTH NEW ZEALAND Respondent

Court: Glazebrook, Ellen France and Williams JJ

Counsel: A M S Williams and K N Stitely for Applicant
B Hawes and A M Harvey for Respondent

Judgment: 25 September 2024

Reissued: 16 September 2025

JUDGMENT OF THE COURT

- A** Leave to appeal is granted (*[T] v Te Whatu Ora Health New Zealand* [2024] NZCA 390).
- B** The approved question is whether the Court of Appeal was correct to dismiss the appeal.
- C** Costs are reserved.
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REASONS

[1] The Court of Appeal agreed that the High Court was right to dismiss Mr T’s application for habeas corpus but for different reasons.¹ In their submissions, counsel

¹ *[T] v Te Whatu Ora Health New Zealand* [2024] NZCA 390 (Goddard, Thomas and Cooke JJ) at [31].

should address not only the reasons of the Court of Appeal but also the reasons in the High Court judgment.²

[2] We understand that there is a disposition hearing on 27 September 2024. The fact that leave has been granted does not mean that this hearing should be adjourned.

[3] We understand that Mr T was not legally aided in respect of this application. We assume that he will be applying for legal aid in relation to the application and the resulting appeal now that leave has been granted. Counsel are to keep the Court informed as to the result of that application.

[4] The appeal can be heard on Thursday 13 March 2025 in Christchurch if suitable for counsel. Counsel should contact the Registry as soon as possible to confirm that date or to request an earlier fixture in Wellington.

Solicitors:

Raymond Donnelly & Co, Crown Solicitor's Office, Christchurch for Respondent

² [T] v *District Court of New Zealand* [2024] NZHC 2218 (Dunningham J).