

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 30/2025
[2025] NZSC 108

BETWEEN	TRACEY IDA PEKA AS PERSONAL REPRESENTATIVE OF THE ESTATE OF IDA HAWKINS Applicant
AND	SAM TE HEI Respondent

Court: Glazebrook, Ellen France and Miller JJ

Counsel: N M Pender for Applicant
B J R Keith and A C Singleton for Respondent

Judgment: 25 August 2025

JUDGMENT OF THE COURT

- A** Leave to appeal and cross-appeal is granted in part (*Peka (as personal representative of the Estate of Hawkins) v Te Hei* [2025] NZCA 32, [2025] 2 NZLR 353).
- B** The approved questions are:
- (a) whether the Court of Appeal was correct to allow the appeal and dismiss the cross-appeal; and
 - (b) whether the Court of Appeal was correct to refer Mrs Hawkins' claim back to the Victims' Special Claims Tribunal for reconsideration in light of its judgment.
- C** The application for leave to cross-appeal the issue of costs in the High Court is dismissed.
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REASONS

[1] We give brief reasons for declining leave to cross-appeal the issue of costs in the High Court. This aspect of the proposed cross-appeal raises no issue of general principle.¹ The Court of Appeal's conclusion on this issue was factually unremarkable.² There is no risk of a substantial miscarriage of justice on that issue, as that term is understood in the civil context.³

[2] It will be apparent that we have not found it necessary to direct an oral hearing before determining the applicant's leave application. The application for an oral hearing is formally dismissed.

Solicitors:
Ord Legal, Wellington for Respondent

¹ See Senior Courts Act 2016, s 74(2)(a).

² *Peka (as personal representative of the Estate of Hawkins) v Te Hei* [2025] NZCA 32, [2025] 2 NZLR 353 (Cooper P, Mallon and Ellis JJ) at [97].

³ See Senior Courts Act, s 74(2)(c); and *Junior Farms Ltd v Hampton Securities Ltd (in liq)* [2006] NZSC 60, (2006) 18 PRNZ 369 at [5].