



Supreme Court of New Zealand | Te Kōti Mana Nui o Aotearoa

24 FEBRUARY 2026

MEDIA RELEASE

TRACEY IDA PEKA AS PERSONAL REPRESENTATIVE OF THE ESTATE OF
IDA HAWKINS v SAM TE HEI

(SC 30/2025)

Hearing in the Supreme Court Tuesday 10 March 2026

CASE HISTORY SYNOPSIS

This synopsis is provided to assist in understanding the history of the case and the issues to be heard by the Court. It does not represent the views of the panel that will hear the appeal in the Supreme Court.

Background

In 1987, the respondent, Mr Te Hei, was convicted of the rape and murder of Mrs Hawkins' 16-year-old daughter, Colleen Burrows.

In 2020, the Crown agreed to pay Mr Te Hei \$17,664 for breaches of his rights while in prison. Following that, Mrs Hawkins made a claim under the Prisoners' and Victims' Claims Act 2005 (PVC Act).

The PVC Act provides a scheme allowing victims of a crime to claim against compensation awarded to an incarcerated person who has offended against them. The Act defines a victim as including a member of the immediate family of a person who dies as a result of an offence. As part of the criteria for compensation, the victim must have a claim disclosing a cause of action that is, under the general law, one for which damages are payable.

The Victims' Special Claims Tribunal, set up under the PVC Act, awarded Mrs Hawkins \$15,000 in compensation for emotional harm in 2021. It found that Mrs Hawkins had a claim under the Death by Accidents Compensation Act 1952 (DAC Act), amongst other causes of action under the general law.

In 2022 the High Court overturned the Tribunal's decision on appeal. It held that the DAC Act did not create a right to claim damages for emotional harm and no claim was available under the general law.

Mrs Hawkins appealed to the Court of Appeal. The principal issue was whether, as a consequence of the intentional tort that caused her daughter's death, Mrs Hawkins had a cause of action under the DAC Act or otherwise under the general law for which damages for her

grief and emotional harm or exemplary damages were available. If she did, then she was entitled to compensation under the PVC Act. On 26 February 2025, her appeal was allowed.

The Court of Appeal concluded that Mrs Hawkins may have a common law claim for her mental injury arising from the circumstances of the rape and the death of her daughter. However, if she did, then such a claim would be confined to exemplary damages. The Court of Appeal referred Mrs Hawkins' claim back to the Tribunal for reconsideration in light of its judgment.

The Court of Appeal also considered a cross-appeal by Mr Te Hei, which it ultimately dismissed. Mr Te Hei cross-appealed in relation to a number of issues, including statements made in the Tribunal about his connection to the Mongrel Mob and whether a certificate of costs should have been granted in the High Court. Mr Te Hei also raised issues concerning the constitution of the Tribunal under the PVC Act, its practice of not publishing its decisions and its approach to limitation under the DAC Act.

This appeal

Ms Peka, the daughter of the late Mrs Hawkins and the personal representative of her mother's estate, applied for leave to appeal to this Court from the Court of Appeal's decision. Mr Te Hei applied to cross-appeal. On 25 August 2025, the Supreme Court granted the parties' applications in part. 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.

An application for leave to cross-appeal the issue of costs in the High Court by Mr Te Hei was dismissed.

Viewing of hearing

The courtroom is open to the public.

This hearing of the appeal will also be live-streamed. Details about access to the live-stream and the conditions of access will be posted on the [Courts of New Zealand website](#) shortly before the hearing. No recording is permitted.

The panel

The Hon Justice Cooke	The Hon Justice Ellen France	The Rt Hon Chief Justice Winkelmann	The Hon Justice Miller	The Hon Justice Katz
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Judges as seen from the public gallery

Counsel

- Tracey Ida Peka as personal representative of the Estate of Ida Hawkins (Appellant/Cross-Respondent): *N M Pender, G P McLay and G J Haszard*
- Sam Te Hei (Respondent/Cross-Appellant): *B J R Keith and A C Singleton*

Sitting hours

Court will begin at 10:00am and conclude at 4:00pm with adjournments taken from 11:30am to 11:45am and from 1:00pm to 2:15pm. There is no afternoon adjournment.

Enquiries

Any enquiries about the hearing should be directed via email to supremecourt@justice.govt.nz. While attending the hearing, enquiries can also be directed to the Court Registry, which is located outside the main courtroom in the Supreme Court foyer.

Contact person:

Sue Leaupepe, Supreme Court Registrar (04) 914 3613

Court of Appeal decision: [2025] NZCA 32 (26 February 2025)

Supreme Court leave decision: [\[2025\] NZSC 108](#) (25 August 2025)

